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COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE

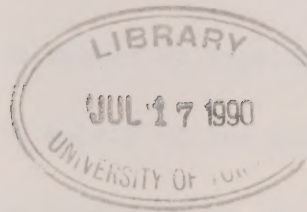
B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON MONDAY, MARCH 6, 1989

VOLUME 22

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C O U N S E L:

ROBERT ARMSTRONG, Q.C. MS. K. CHOWN	on behalf of the Commission
R. McMURTRY A. PRATT	on behalf of Charles Francis
D. O'CONNOR G. PINHEIRO	on behalf of Angella Issajenko
E. FUTERMAN L.M. LIPKUS	on behalf of Ben Johnson
MR. SOOKRAM L. LEVINE	on behalf of Dr. M. G. Astaphan
THOMAS C. BARBER	on behalf of the Sport Medicine Council of Canada
MR. de PENCIER	on behalf of the Government of Canada
J. PORTER	on behalf of the College of Physicians and Surgeons of Ontario
ROGER BOURQUE	on behalf of the Canadian Track and Field Association
R. McCREATH, Q.C. MR. FALBY	on behalf of the Canadian Olympic Association
OSCAR SALA	on behalf of David and Andrea Steen
C. ASHEY MS. S. HICKLING	on behalf of Bishop Dolegiewicz

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--- Upon commencing.

THE COMMISSIONER: I apologize for the delay, but there were certain matters relating to the work of the Commission which had been to attended to. So, you
5 will forgive me for being a little late this morning.

Mr. Armstrong.

MR. ARMSTRONG: Thank you, Mr.
Commissioner.

10 CHARLES FRANCIS: Recalled

EXAMINATION BY MR. ARMSTRONG: (Cont'd)

Q. Mr. Francis, I wanted to go back over two or three points that I thought upon reflection over
15 the weekend might be better clarified if you and I can clarify them.

First of all, during the course of your evidence you mentioned obtaining some Dianobol tablets originally I believe from Bishop Dolegiewicz and the way
20 the evidence was left on that issue it seemed to me upon reflection perhaps to be somewhat confusing as to when you obtained the Dianobol tablets and how many you obtained from Bishop Dolegiewicz.

So, could you help the Commissioner in that
25 regard, please?

A. I believe I obtained 200 tablets in 1980, in the summer; and 500 more in 1982.

Q. All right. And approximately when in 1982; do you recall now?

5 A. I believe it was at the national championships which would have been --

Q. Summer of 1982.

A. -- July.

10 Q. You were going to say probably July '82. The national championships we have learned is a movable feast?

A. Yes. Each -- they tend to coincide with the -- with the timing of the major games of the year and so on.

15 Q. All right. Then on the last day of your evidence on Thursday, we had some discussion about a bottle containing a drug, or a vial containing a drug, with a handwritten label on it which you said read "do not take within 28 days of competition". And I am uncertain
20 as the evidence was left on Thursday as to whether this was a bottle which contained Dianabol, water-based Dianabol, or the drug Estragol which you referred to on Thursday. And can you help clear up that, if you would, please?

25 A. Yes. I believed it to be Estragol, but

it was not from the supply of bottles that had been left with me by Dr. Astaphan. It was another bottle that Ben had which assumedly he received separately from Dr. Astaphan.

5 Q. All right. Now, although you believed it to contain Estragol, do I have it from your evidence that the 28-day clearance time was advice you had received from Astaphan so far as it related to water-based Dianobol?

10 A. Yes, that's correct.

 Q. And do I understand your evidence from Thursday in respect to Estragol, the clearance time was, so far as Astaphan told you, less than 28 days?

15 A. Yes, it was 14 days. He believed that 14 days was very conservative, that it probably was as short as seven.

 Q. All right. So other than the fact that you believed that the bottle that Ben Johnson had contained Estragol, you can't then help us as to why it said 28 days rather than 14 days?

20 A. No. Perhaps it was just to make sure he wouldn't go beyond, anywhere near a meet with this bottle.

 Q. All right. Then the other thing that I wanted to clarify from your evidence on Thursday, if I

25

can, is the precise time that Ben Johnson was in St. Kitts in the May-June period of 1988. And again I am going to attempt to summarize the evidence and if I have got it wrong, please correct me.

5 You told us that first of all that May the 13th, Friday, May the 13th was the race in Toyko?

A. Yes, that's correct.

 Q. And you came back to Toronto, he came back to Toronto right after that. And you told us about
10 the plan for him to go to Helsinki and down to Malaga with Astaphan and Waldemar Matuszewski and Larry Heidebrecht and you were going directly with the others to Malaga.

 As it transpired, you went to Malaga, but he did not go to Helsinki. And you subsequently learned that
15 he had gone to St. Kitts and he was was Dr. Astaphan in St. Kitts.

A. That's correct.

 Q. Now, I don't think in the evidence on Friday we ever put a precise day on when you learned he
20 was in St. Kitts, but if I were to suggest to you that we are probably now talking somewhere around the 20, 21, 22 of May, is that about when you would conclude that Ben Johnson arrived in St. Kitts approximately?

A. Yes, I believe so.

25 Q. All right. Then the next time that

You are directly involved with Ben Johnson is when you arrive in Padova, Italy, for a track meet which you told us was June the 13th, the meet itself. When did you arrive in Padova?

5 A. On the 11th.

Q. And I think you told us that Ben Johnson had arrived in Padova the day before you got there?

A. Yes, that's correct.

10 Q. So, he would have been in Padova June the 10th?

A. Yes.

15 Q. Which means then presumably from about the 20th to the 22nd of May he is in St. Kitts until shortly before June the 10?

A. Yes, that's correct.

MR. ARMSTRONG: All right.

THE COMMISSIONER: When did he go back? He went back to St. Kitts, didn't he.

20 MR. ARMSTRONG: Yes, we are just going to move this ahead. I am just going to try to get the dates as closely lined up as we can.

BY MR. ARMSTRONG:

25 Q. Now, one thing we didn't touch on was

probably my fault because I didn't ask you on Friday.
During the time that Ben Johnson was in Padova, he indeed
went up to Helsinki to do this commercial shoot that he
had been originally scheduled to do, am I right?

5 A. Yes, that's correct.

 Q. And he and Heidebrecht and Astaphan --
did Astaphan go with him?

 A. Yes, he did.

 Q. They went up there virtually overnight
10 and back, am I right, from Padova?

 A. On the the same day. The company sent
a private jet to pick them up and bring them back.

 Q. All right. Was that before the meet
on the 13th or after the meet on the 13th?

15 A. Before.

 Q. All right.

 A. Before.

 Q. We know the meet was on the 13th --

 A. Yes.

20 Q. -- of June. And we know you had the
discussion with him in his hotel room in Padova after the
meet?

 A. Yes.

 Q. And approximately when was it in
25 relation to June the 13th that Ben Johnson went to London

and then back to St. Kitts?

A. I believe he left on the 14th.

Q. All right.

5 A. Then he went to his cousin's wedding
and then back down to St. Kitts.

Q. So presumably then it is some time
between the 14th of June and say approximately the 20th of
June or thereabouts that he is back in St. Kitts, or do
you know?

10 A. Yes, some time in that period, yes. I
don't know the exact date.

Q. He didn't stay in London longer than it
took to attend the wedding, I assume?

A. Not to my knowledge.

15 Q. All right. So then the period of time
that he is in St. Kitts, to summarize, is approximately in
the period May 20 to May 22, up to shortly before June the
10 when he goes to Italy. And then he is in Italy,
Helsinki, back took Italy, then to London, back to St.
20 Kitts, and your best recollection admittedly led by me
giving the evidence almost and this may turn out to be
incorrect and we won't blame you for it, but just to get a
picture on it now, is some time around the 20th of June or
thereabouts he is back in St. Kitts?

25 A. Yes.

Q. All right. And it is -- he comes back from St. Kitts at the end of June?

A. Yes.

Q. To Toronto?

5

A. Yes.

Q. Okay. Now you mentioned on Thursday at the conclusion of your evidence that your information and belief was that he had taken some steroids while he was in St. Kitts. Can you help us as to whether it was during the first portion of his stay in St. Kitts prior to Padova or was it is after Padova and London that he would have been on a steroids program in St. Kitts?

10

15

A. Well, I didn't have any direct discussions about it with Ben because we weren't getting along obviously at that point, but it was my assumption that he had before and assumedly after as well, but I don't know.

20

Q. All right. But in fairness, however, you were getting along after he came back from St. Kitts to Toronto and you had your meeting with Ross Earl and patched things up and got together?

A. Yes.

25

Q. And began training. And you told us during that training session in early July he was not on steroids then?

A. Yes, he had stopped.

Q. But did you become aware in that period as to when precisely it was he had been on the steroid program in St. Kitts?

5

A. No, I did not.

Q. All right. Then Mr. Francis, I assume that during the month of July, the training program both for Ben Johnson and your other athletes went more or less according to your expectations leading up to the
10 nationals. There is nothing out of the ordinary that happened during that period of time?

A. Yes, with the exception of Molly who had a knee problem.

Q. All right. That's Molly Killingbeck?

15

A. Killingbeck, yes.

Q. All right. Now the nationals were held in Ottawa, I believe on August 5th and 6th, Friday and Saturday; does that accord with your recollection?

20

A. Yes, they competed on Friday and Saturday. It actually as a three-day competition with 200 meter runs on Sunday, but they didn't participate in those events.

25

Q. Now, the nationals I take it served a dual purpose in 1988, not only were they the Canadian National Championships but they served also in some way as

the Olympic trials?

A. Yes, more or less but of course most of these athletes were preselected because of their earlier performances and so on.

5

Q. All right. Then we know that Ben Johnson won the 100 meters at the nationals. What was his time?

A. 9.90, that was wind-aided.

10

Q. All right. And where did Desai Williams finish?

A. He was second at 10.00.

Q. And third place finisher was who.

A. Atlee Mahorn.

Q. Do you recall what his time was?

15

A. 10.20.

Q. Now, so far as Johnson is concerned, how did he do at that time relative to your expectations of him? Was he on track ready and for Seoul from your assessment of him at that stage?

20

A. Yes, he was.

Q. The nationals, I take it, this time being held as late as August were later than they usually were; am I right?

25

A. Yes, they were. They had difficulty because there weren't enough officials to go around. They had to place the national senior championships somewhat later in the year, by a week or two, because of the world juniors being held in Sudbury and so that made changes necessary in going to Europe.

Q. All right. We'll come back to the significance of that in a moment. I wanted to ask you some other questions about the nationals and who was there as far as the Johnson entourage was concerned.

First of all, was Dr. Astaphan in Ottawa?

A. Yes, he was.

Q. Was Waldemar Matuszewski in Ottawa?

A. Yes, he was.

Q. Now, I perhaps have unfairly described this as the Johnson entourage, I don't know, but let me ask you this about Waldemar. Was he employed exclusively as Johnson's masseur or did he, like you, have some arrangement through the Canadian Track and Field Association?

A. Yes, he did. He was with the Canadian Track and Field Association.

Q. And so, presumably he made himself available as a masseur to a number of the other sprint athletes on the national team?

A. Yes. But it was structured in a priority basis where the top level athletes have priority, obviously in order of their ranking, so obviously Ben would be the highest priority of anyone.

5 Q. But, the others who benefited from his help would be Angella Issajenko, Desai Williams?

A. Mark McCoy. All the highest ranked people.

10 Q. All right. All right. And was Matuszewski, so far as far as you are aware, a paid employee of the Canadian Track and Field Association?

A. Yes, he was.

Q. All right. Then at the national championships in Ottawa, was Larry Heidebrecht there?

15 A. Yes, he was.

Q. And presumably he was there in his capacity not only as agent to Ben Johnson, but also as agent of Mark McCoy, Angella Issajenko, and Desai Williams?

20 A. Yes, that's correct. But, of course, he didn't necessarily have any function to serve in Ottawa but we were to go straight to Europe after the competition. So, we were going to leave, go to Toronto and then fly straight over.

25 Q. All right. We're going to come to what

went on in Europe but what we're going to find out is that he had arranged for the group to participate in a number track meets in Europe?

5 A. Yes, he had. I might point out that the arrangements he had made for European competitions dated back to the fall of the previous year, before the date of the national championship was known.

10 Q. Now, one thing you and I have never touched upon, and I haven't asked you in your evidence, perhaps you can help me here just while we're dealing with Larry Heidebrecht, have I got it right that Heidebrecht was either a licenced or approved agent by the Canadian Track and Field Association?

15 A. Yes, he was. There are two levels of involvement that an agent might have. Anyone might bring an arrangement for an athlete and that would be acceptable to the Canadian Track and Field Association in terms of an endorsement or whathave you.

20 However, anyone who is involved with athletes who are competing in competitions, have to be approved by the Federation.

Q. And Heidebrecht was so approved?

A. Yes.

25 Q. Not only for Johnson but for the other people that he represented in your group?

A. Yes, that's correct.

Q. Now, I think you told me when we first discussed Larry Heidebrecht earlier in your evidence -- did he also represent Tony Sharpe?

5 A. Yes, he did.

Q. All right. And I don't know, this may be another time that I should pick up a loose end here, you haven't mentioned Tony Sharpe's name in the 1988 period. What was the situation with him by this stage?

10 A. His achilles tendon had been so inflamed that he just wasn't able to train. Basically, he just decided he would be rest it for the summer season and see if it would settle down. But he had recurrent problems with his achilles dating back to 1980 and, really, there -- my feeling was that perhaps he required surgery to strip the bursa away from the tendon, or something, but nothing had been done at that point.

15 Q. In any event, he took the 1988 season off?

20 A. The outdoor portion of it.

Q. The outdoor portion of it. And, ultimately, appears to have retired, am I right?

A. Well, I guess. That's up in the air at the moment.

25 Q. It's never over until it's over?

A. Well, for some rather than others.

Q. All right. Then in Ottawa, did this person whom you referred to earlier in your evidence, Jack Scott of California, appear?

5 A. Yes, he did.

Q. Were you introduced to him?

A. Yes, he introduced himself to me and he told me that he had been working on Ben in St. Kitts which came as a complete surprise to me. I knew nothing about his involvement.

10

Q. And what did he tell you he had been doing with Ben in St. Kitts?

A. Well, he said he had been giving him physiotherapy and he had this electronic muscle stimulating device and I was not clear what his role was.

15

Q. And did he indicate what he was doing in Ottawa?

A. No, he didn't.

Q. And I take it, from what you've told us, that ordinarily your expectations, so far as muscle stimulation and that kind of care is concerned, that that ordinarily would be provided through Waldemar Matuszewski?

20

A. Absolutely. Waldemar is one of the world's leading physiotherapist, if not the leading physiotherapist in the world, and he had his Ph.D. with

25

his thesis written in muscle stimulation. There is no question that he is the world's leading authority in that field.

5 So, most certainly anything -- any sort of treatment in that area I would want done by Waldemar.

Q. Did you know at that time who invited Jack Scott, if he was invited, to come to the nationals in Ottawa?

10 A. Well, I certainly made it a point to try and find out what was going on because here was some new player on scene I had never seen before, I knew nothing about. So, I immediately, upon learning he was there, went to find Larry Heidebrecht and asked him what he knew about this character and what he was doing there.

15 He told me that he had received a phone call from a friend of his, a fellow named Mike Spinno, who had been contacted by this Jack Scott, and had mentioned that he had a particular muscle stimulating device which had been very useful for injuries and he asked Larry if he was
20 interested.

Larry contacted Dr. Astaphan and mentioned the name of the equipment, which escapes me at the moment, unfortunately. Dr. Astaphan thought it would be most helpful and wanted a machine.

25 So, Larry then got in touch with Jack Scott

and told him that he would like to get a machine and have it sent to St. Kitts. Of course, with the intention that Dr. Astaphan would use the equipment as he, too, was trained with muscle stimulating equipment.

5 The deal arranged, according to Larry, was that they would provide this equipment free of charge in return for being able to use a photograph of Ben in a trade journal only, not for public distribution in any way. There was no money involved as there would be in a
10 normal commercial arrangement.

 So, apparently, according to what Larry was able to learn later, not only did Jack Scott arrive along with the machine but another fellow, whose name I don't know, arrived as well in St. Kitts and seemed to be there
15 for some period of time. What their role was, I really don't know.

 And then, of course, he turned up at the national championships.

 Q. All right. And when he ---

20 THE COMMISSIONER: Excuse me. Had you heard of Jack Scott before? Did you know who he was?

 THE WITNESS: As I mentioned before, the only time I really ever heard of him was the Patty Hearst affair. I knew nothing about ---

25 THE COMMISSIONER: All right, thank you.

THE WITNESS: ---his role as a physiotherapist or anything. I had never heard of him in that capacity.

5 MR. ARMSTRONG:

Q. Now, up to that time and including the entire period of time that you were in Ottawa ---

THE COMMISSIONER: Could I go back? Have you finished the national championships?

10 MR. ARMSTRONG: No, I haven't.

THE COMMISSIONER: You're still -- you're coming back to Ottawa?

MR. ARMSTRONG: But I certainly will take a back seat to you right here, right now.

15 THE COMMISSIONER: That will be a change.

MR. ARMSTRONG: Well, a change is as good as a rest, they say.

THE COMMISSIONER: I was just wondering whether there was testing at the national championships.

20 THE WITNESS: Yes, there was.

MR. ARMSTRONG: We are going to go into the whole issue of testing in Ben Johnson.

THE COMMISSIONER: No, no. You're going to go to it.

25 MR. ARMSTRONG: If you want to do it? .

THE COMMISSIONER: I'll wait.

MR. ARMSTRONG: All right. I'm not going to take a back seat then.

5

MR. ARMSTRONG:

Q. All right. Then during this entire period of time that you were in Ottawa and Scott was there, did Scott ever mention to you the name Carl Lewis?

A. No, never.

10

Q. And did you know, during the period of time that you were in Ottawa, that indeed this man, Jack Scott, had had some professional association with Carl Lewis as recently as 1987 and perhaps into 1988?

15

A. No, absolutely not. As you can well understand, if I had known of such an association and if any of us had known of such association, we would never have let someone with that affiliation near Ben or anyone else.

20

Q. Now, I take it then from what you've just said, that nobody in your group, which would include Heidebrecht, Astaphan, Waldemar Matuszewski, knew or at least told you of any possible connection between Jack Scott and Carl Lewis?

A. No, no one knew.

25

Q. All right. Then did you become aware,

and perhaps I should get this when I call another witness -- I don't know, but it may put your evidence in context briefly -- did you become aware of some interview that Jack Scott gave to the National Broadcasting Commission while he was in Ottawa?

A. Yes, NBC had contacted Larry and asked if they could come to Ottawa to do some filming and get an interview session that they might play in Korea. Larry had said okay.

Assumedly this had been checked with Canadian Track and Field association; I really don't know. They arrived and wanted to do interviews basically with all of us, myself included.

At that time we went to a hotel, and I believe it was the Westin where Ben had been staying, and --

Q. This again is in Ottawa?

A. In Ottawa, yes. And they taped interviews with the principals involved. Now, in that interview they also taped an interview with Jack Scott discussing how he had treated Ben with this muscle stimulating equipment and going into some considerable basically free endorsement for the equipment.

Larry felt that this was in contravention of his clearly stated agreement that, you know, any publicity

arising from the use of this stimulator would be in trade journals only.

He contacted NBC and asked that this interview be removed, as apparently it was, although I never saw what played but it is my understanding that it was removed.

Q. Now, finished with the nationals, what I was planning on doing, Mr. Commissioner, just so you have it, is after we get through the whole of the 1988 year, I was going to go back and review in 1988 each time that Johnson was tested and each time he was tested in '86 and '87 but I don't -- if you're interested in knowing about the testing situation in Ottawa in '88, we'll do it right now.

THE COMMISSIONER: I can wait.

MR. ARMSTRONG:

Q. Thank you. Now, Mr. Francis, as I understand it, after the nationals in Ottawa, there were scheduled the usual -- perhaps it's putting too much of a gloss on the evidence -- but there was scheduled a tour to Europe which would involve a number of meets in Europe including Zurich and Cologne where your group, at least in the last few years, had ordinarily participated, am I correct?

A. Yes. This series of competitions had been negotiated by Larry going back to the previous season. Basically, it would have been Malmo.

Q. Malmo, Sweden?

5 A. Malmo in Sweden and then Sestriere which is an altitude competition site in Italy, in the north of Italy. It's also a location which is used for international ski competitions and so so.

10 Also in the dual meet which was being held Canada versus Italy in Cesanitico. You're on your own to spell that one. And then there was a competition in Zurich, Cologne, and Berlin.

15 Q. All right. Now, were those meets that were scheduled in August in Europe, in fact, negotiated by Larry Heidebrecht at a period of time before he knew and you knew when the Canadian national championships would be in August?

A. Yes, that's correct.

20 Q. Then, we'll again come back to that and what the significance of that may or may not have been. Going to the first meet then, that was in Sestriere in Italy, in the Italian Alps, and was it not so that indeed you left virtually the day after the national championships in Ottawa for Italy to have your group participate in Sestriere?

25

A. Yes. We had cancelled the competition in Malmo and we were debating what to do with Sestriere. The possibility was to cancel that competition also because it still was too close to the nationals for the athletes to be 100 per cent recovered.

However, they attempted to compete sparingly at the national championships and the prospect of competing at altitude, which most of them had not done in a number years, and the prospect of very fast times was irresistible, really. There was the possibility of world records and so forth.

Q. And at the meet -- so then the plan was to carry through and go to Sestriere?

A. Yes.

Q. And, at that meet, Ben Johnson was scheduled to run in the 100 metres?

A. Yes, that's correct.

Q. And indeed Carl Lewis was scheduled to run in that meeting, not in the 100 metres but the 200 metres?

A. Yes. In fact, the entire Olympic U.S. team was there and, of course, they had had their trials several weeks earlier than ours so they were fresh.

Q. And who of the other Mazda group of athletes went to Sestriere?

A. Angella Issajenko...

Q. Desai Williams?

A. Desai Williams, Mark McCoy and also
Marita Payne.

5 Q. And was the group accompanied by Dr.
Astaphan and Waldemar Matuszewski?

A. Yes, it was.

Q. Now, you flew, I believe, from Toronto
to Italy?

10 A. Yes.

Q. And when you got on the plane, did it
appear to you, when you got on the plane, that somehow
your entourage had become a little larger than expected?

15 A. Yes. I was sitting with my fiance, we
were in the economy section or whatever, and at one point,
I wanted to go forward and see Ben, so I went up to the
first class where he was, and on my way through business
class, there was Jack Scott sitting there. I'm going,
well, where did he come from?

20 So, after talking to Ben for a while, I went
back and sat down again. And then I was contacted by a
lady who I had never met before, was sitting across from
my fiance and I, and she said, "Oh, are you Charlie
Francis?" I said, "Yes." She says, "Well, I'll be
25 accompanying you for the rest of the tour." I said,

"Well, who are you?" She said, "Well, I'm representing American Express. I'm here to sell posters for the Canadian Track and Field Association. Larry has been informed that he is responsible for me."

5 So, of course, I'm completely taken by shock, never heard of this lady before; I didn't know what was going on. I went to Larry; Larry seemed to be very vague about it. He didn't know what his responsibility was in this. He certainly hadn't negotiated any
10 arrangements for these two extra people. He didn't know anything about them and no one knew what Jack Scott's role in all of this was supposed to be.

15

20

25

Q. And did you ask Larry Heidebrecht what Jack Scott was doing on the plane?

A. Yeah. He said he didn't know anything about it, and neither did Dr. Astaphan. I asked him, and
5 I also asked Ben. None of them knew anything about it.

Q. All right. And then, also, there was, in addition, added to your entourage a photographer from the Canadian Track and Field Association; is that not so?

A. Yes.

10 Q. And did you at least believe, whether it was so or not, that somehow the Johnson entourage was to accommodate this photographer as well?

A. No, I didn't have any idea we were responsible for him as well.

15 Q. All right. But did it turn out that way?

A. No, it wasn't -- no arrangements had been made for any of these extra people. There were no rooms available or anything of the sort.

20 Q. So in any event, presumably Heidebrecht would have arranged for the original group to go, the athletes plus himself, you, and Astaphan and Valdemar Matuszewski?

A. Yes.

25 Q. So when you got to Sestriere, did it turn out that there was some problem in accommodating this

expanded number of people who appeared to be filling out the Johnson entourage?

A. Yes. All the rooms had been arranged as Larry had originally requested, but there were no additional rooms available in this particular hotel to accommodate the additional people.

Q. And what then happened, for example, with Jack Scott? What arrangements, if any, were made for him?

A. Well, we discovered subsequently that when he had no space available in that hotel, he went up to another hotel reserved for the Americans and stayed in the room reserved for Carl Lewis.

Q. I take it Lewis hadn't yet arrived --

A. No.

Q. -- is that it? And was it then, Mr. Francis, at that time in Sestriere that you first realized that there was some connection between this man Jack Scott and Carl Lewis?

A. Yes, that's the first time.

Q. And during the course of that stay in Sestriere, did you and your group, so far as you know, have anything further to do with Jack Scott?

A. Only one individual was treated by him. Apparently Marita Payne went to him. This wasn't known to us until after she had already received treatment. And

there had been a problem where this particular muscle stimulating device was left on a straight negative current for two hours during the treatment, and her leg was anesthetized for the rest of the tour.

5 Q. And let me ask you this. And, again, I'm sorry, my own incompetence led me to forget to ask you this question in Ottawa. Did Jack Scott, so far as you remember, treat Ben Johnson in Ottawa?

10 A. Not to my knowledge. But once again, he was in a separate hotel from me. But to my knowledge, no, and certainly Dr. Astaphan was there and Valdemar was going -- we were staying at the Delta Hotel, and Ben was over at the Weston. I think you can understand that as soon as the media or anyone would find out wherever Ben
15 was that there would be trouble. Once we had made reservations at the Delta, he had to go to a different hotel to check in under an alias or else he wouldn't have been able to rest for the whole games.

20 Q. Do you know what hotel Jack Scott stayed at?

A. Don't know.

Q. Then in the meet in Sestriere, Ben Johnson, you told us, was scheduled to run the 100 metres. How did he do?

25 A. He won the race in 9.98 seconds.

Q. What about Desai Williams? Did he run in the 100 metres?

A. Yes, he was fourth. I believe it was 10.18.

5 Q. And Mark McCoy, what event did he run?

A. He was in the hurdles, and he was third with 13.21, I believe.

Q. And Angella Issajenko, what event did she run in?

10 A. She was in the 100. She was winning the race about 40 to 50 metres and pulled her hamstring and had to drop out of the event, as did another Canadian athlete, Esmie Lawrence, who was not traveling with our group but was at this competition on the way to the dual
15 meet in Cesanitico.

Q. Now, Marita Payne, do you recall what her, how she did in Sestriere? Was she able to run in spite of the fact that she had some problem with muscle stimulation?

20 A. She was able to compete but very subpar.

Q. All right. Now, let me ask you this about Ben Johnson. You said he ran 9.98. What was your assessment of him at that time as his coach as to whether he was on track for Seoul?

25 A. Well, he looked rough in the race. It

5 didn't seem to be that fast a time to me, considering it was altitude. But, on the other hand, it was extremely cold, and, in addition, he had a larger winning margin over the second and third place Americans than did Carl Lewis in the Indianapolis Olympic trials. So I figured he was approximately where Carl Lewis was or a little bit ahead at that point. It was just simply a matter of his technique improving and being a little more race-sharp, meaning, you know, more competitions to get his skills
10 down.

Q. And is it not so that you made an assessment of him, watching him run, that he was having a little trouble it appeared to get his knee up and under his body appropriately, or do I have that wrong?

15 A. Well, it's his heel. It's difficult to describe without --

Q. I can't tell the difference between a knee and a heel, so I'm sorry.

20 A. Anyway, the higher the heel can come up above the support leg's knee, the faster the athlete's leg speed can be expected to be. But that's determined by the flexibility of the muscles, particularly the quadriceps muscles. It was very apparent that his heels were not coming up underneath him in that sort of bicycle motion
25 that a sprinter would want, and it was causing him fatigue

late in the race and, in fact, was making his back very tired and causing him to lean back in the late stages of the race.

Q. In any event, he was still able to
5 stumble along at 9.98?

A. Basically, yes.

Q. Then the next scheduled meet I want to
take you along to that, Mr. Francis, is Cesanitico, which
was scheduled for August the 13th. That was a dual meet
10 against Italy, was it?

A. Yes, that's correct.

Q. And in that meet, I believe your athletes
were only scheduled to participate in the relay?

A. Well, Ben and Angella Issajenko were
15 scheduled only for the relay.

Q. And Ben was scheduled with Atlee Mahorn,
Desai Williams and Mark McCoy to run in the 4 X 100?

A. Yes, that's correct.

Q. And how did they do?

A. Well, they ran a good relay there. It
20 was quite a slow track surface. It had not set properly.
It was a little bit too spongy to record fast times on,
even though the atmospheric conditions were good. They
ran up to, what was up to that point, the fastest time in
25 the world for the year for the 4 X 1 relay, 38.53 seconds.

So it was a good performance at that point, especially as Ben was not running at 100 percent. He was running submaximum in order to protect his legs for Zurich.

Q. Now, what about Angella Issajenko? Did she run in Cesanitico?

A. No, she had a slight injury from the race in Sestriere. However, according to Dr. Astaphan, he felt that the cramping and slight tearing was considerably exacerbated by the fact that they were at altitude, which meant that there was less oxygen available to the muscle tissue and so on and may have contributed to further damage.

Q. So was it decided to rest her then in Cesanitico?

A. She by then was feeling significantly better but still was not able to perform.

Q. All right. Then Desai Williams ran in the 100 metres in Cesanitico?

A. Yes, and he won the event.

Q. Mark McCoy ran in the 110-metre hurdles?

A. Yes, and he also won.

Q. And finally, Marita Payne, do you recollect how she did?

A. I believe she was second, but I'm not sure. That was in the 400 metres.

Q. All right. Now, again, let me ask you the same question about Ben Johnson. From his performance on the relay team in Cesanitico, as his coach, what was your then-assessment of his condition?

5 A. Well, he had a sore tendon under his knee coming up from the calf. It was causing him some concern. I think possibly it was a bit aggravated by the very slow surface that he was running on. But since he had gone an easy race, he felt that he would be prepared
10 to run in Zurich.

Q. So, can I just put it this way, and if I have it wrong, please tell me, that apart from a couple of minor things that you've mentioned in both Sestriere and Cesanitico, Johnson appeared to be on track, as it were?
15 There was no particular concern about his condition as you're leading up to not only the race in Zurich but ultimately looking forward to Seoul and the Olympics?

A. Well, I wouldn't say that. There was considerable concern on my part that this tendon indeed
20 was running up from the calf and not down from the hamstring; that the soreness, in fact, was caused by some irritation in the calf, which would not be so serious. Larry Heidebrecht had considerable concern. From his point of view, he did not want Ben to run in Zurich at
25 all. My opinion was mixed, and we left it up, basically,

to Ben and Dr. Astaphan whether or not they felt he was all right. Dr. Astaphan felt that physically he should be okay and that it should be up to Ben himself if he felt prepared to run against Carl Lewis.

5 THE COMMISSIONER: Can I ask you this, Mr. Francis? Was Mr. Johnson sort of knowledgeable about his condition and injuries and -- did he know very much about his own condition?

10 A. Yes, very definitely. He was quite aware of how he felt physically because, of course, his feeling of strength and his physical readiness would have a lot to do with -- he was one of the best of my athletes at being aware of when he was going to run well and not. And I tended to feel quite confident. I don't think he felt 100
15 percent ready, but he felt he had enough to beat Lewis at that point.

THE COMMISSIONER: Was he quite knowledgeable about these things like hamstrings and tendons and things of that nature?

20 A. Well, he would be the best to know in terms of whether the pain was radiating from the hamstring down or from the calf up, and from his own feelings, and --

THE COMMISSIONER: Because you mentioned
25 several times discussing his condition with Ben and Dr.

Astaphan and everybody else, so he would make a contribution, I guess, to his own condition?

A. Oh, definitely. If he had any concern at all about running in Zurich, certainly he didn't need to run there.

THE COMMISSIONER: All right.

MR. ARMSTRONG:

Q. Can I just pick up from what the Commissioner has asked you? For example, when you were talking to Ben Johnson at that time about what appeared perhaps to be a problem with his tendon running up from his calf, if you were discussing it with him, would it be in those terms, or would he just say, "Look, I've got a pain in my leg"?

A. It would be in those terms because it would be very important for us to elicit from him, "Are you definitely feeling it going up from the calf or is it in the hamstring?" And, of course, Dr. Astaphan and Valdemar would both examine both muscle groups to see where any tightness might be, and Valdemar felt that the primary tightness Ben had was in his calves and did not feel his hamstrings were so tight. He was more concerned with his calves and with his quadriceps.

THE COMMISSIONER: Would he take an interest

in matters such as his diet and food and his general health?

A. Generally, yes, but it was a very difficult situation in Csanitico. It was very hot, and the hotel was extremely cramped. His room was full of insects, and I don't think he did himself any good. He sprayed the room with insect bomb and then started feeling ill from the effects of the insect spray or whatever. It wasn't the best way to be resting up for competition, especially as the American team was resting in a spa in Dabiol, Switzerland. So it was not optimal.

MR. ARMSTRONG:

Q. Just again picking up from what the Commissioner has said and asking you to do it in a more general sense, leaving Csanitico aside, in general terms over the period of time that you coached Ben Johnson, did he take an interest in his diet and his body generally, so far as it related to his ability to perform as a track athlete?

A. Yes, definitely. He was very careful.

Q. All right. And going back to the conversation that you had with him at Csanitico or prior to Zurich as to whether he would race and you were talking about this tendon condition, was he the kind of athlete

that knew the difference between a tendon and a hamstring?
When you were talking to him, would you be talking to him
about tendons and hamstrings or would you be talking to
him about a pain in the leg?

5 A. The tendons, the hamstring, the calves.
It was very important to get a clear illustration.

 Q. And did Ben Johnson understand the
difference between tendon, hamstring, calf and so on?

 A. Yes, definitely. But also, I might point
10 out, just illustrative of the situation, we had a problem
in 1986 after the Commonwealth Games where Ben had run a
number of races, he went to a competition in Gateshead, in
England, and lost a very easy 100 metres, what
theoretically would have been an easy 100 metres. He
15 finished fourth with a good headwind in a time of 10.53,
which was extremely slow for him. The whole world
descended on Zurich, thinking after all, "Let's get him
while he's down."

 THE COMMISSIONER: This is back in '86?

20

25

THE WITNESS: In '86, yes. And it had to become strictly up to him whether he would run or not. My feeling was to stay out because he would give others an opportunity to improve their world rankings at his expense, but he made the final decision. He felt good, he ran, and he won convincingly. So, he was really the best judge of whether or not he had recovered and so on.

BY MR. ARMSTRONG:

Q. Just not to take you down this side alley for too long a period of time, but one more question or two.

We have had evidence during the course of this Inquiry that athletes know their bodies, and are interested in their bodies, are interested in what goes into their body, and interested of course in how their bodies perform.

A. Yes.

Q. Was Ben Johnson that type of person in your opinion?

A. Certainly.

THE COMMISSIONER: Would this also relate to the medication? Would it be discussed with you medication, what it was for, why he was taking it?

THE WITNESS: Yes, or with Dr. Astaphan.

THE COMMISSIONER: Or with Dr. Astaphan.
Or, whatever term you give, but any any pills or fluids or
so on that would be administered that would be -- that
would be discussed with him, he would be interested in
5 that?

THE WITNESS: I believe so. I assumed that
Dr. Astaphan would; certainly from me, yes. I would
assume Dr. Astaphan would have the same relationship.

THE COMMISSIONER: What about in your
10 relationship with him?

THE WITNESS: I am sorry.

THE COMMISSIONER: What about in your
relationship with him, would you discuss these matters,
what he was taking and why?

THE WITNESS: Yes. He always would discuss
15 them and so on, which vitamins he wanted to use. He would
also cycle the vitamins. He didn't like to take vitamins
on a continuing basis. He would take some basic
multi-vitamins. And during competitive periods he would
20 then take these -- I think they called them power packs
where you have a plastic bag and you would open them up.
And he had a great variety of different vitamins.

THE COMMISSIONER: You have already told us
about your discussion about steroids with Mr. Johnson.

THE WITNESS: Yes, but we also would have
25

discussed these. And he liked to take them cyclically rather than continuously so that he wouldn't get used to them. He felt that he responded better to them by taking them --

5

THE COMMISSIONER: Better to what?

THE WITNESS: To the vitamins.

THE COMMISSIONER: To the vitamins

THE WITNESS: By rotating them rather than continually taking them.

10

THE COMMISSIONER: I am sorry, you go ahead, Mr. Armstrong.

MR. ARMSTRONG: Thank you, Mr. Commissioner.

15

BY MR. ARMSTRONG:

20

Q. Then if I can take you back to Cesanitico. I assume then based on what you have told us that it was Dr. Astaphan's opinion that he thought Ben could run in the meet in Zurich against Carl Lewis but basically it should be Ben's decision as to whether or not he would run?

A. Yes.

25

Q. We know what Ben's decision is, and I assume then from what you have told us that the fact he ran was the fact that he made the decision to run?

A. Yes, that's correct.

Q. And I am sorry, what was -- did you provide an opinion as to whether he should or should not run, or did you accept Dr. Astaphan's --

5

THE COMMISSIONER: I think he said he was ambivalent. I am sorry.

THE WITNESS: I wasn't worried about an injury, I just wanted to be sure that he felt he had enough to win. He felt he did.

10

BY MR. ARMSTRONG:

Q. And you accepted that?

15

A. Yes. I knew that he couldn't be 100 percent, but on the basis of what I had seen in Sestriere, he had a little more margin in time than Lewis had had at the Olympic trials. But that's difficult to determine whether, you know, that's really an accurate assessment. But it wasn't the sorts of margins obviously that he had always had in the past. It would be close, in other words, no matter what.

20

Q. Now, moving along to the meet in Zurich, I take it this is the same meet, the premier meet, in track and field that you have referred to in your earlier testimony?

25

A. Yes, that's correct.

Q. All right. And at that meet, Ben Johnson was scheduled to run in the 100 as was Desai Williams?

A. That's correct.

5

Q. Angella Issajenko was scheduled to run the 100 meters, Mark McCoy was scheduled to run in the hurdles, am I right?

A. Yes, that's correct.

10

Q. And Marita Payne, was she scheduled in the 400 meters?

A. I believe she ran the 200; I am not sure.

Q. And the date of Zurich was August 17, 1988?

15

A. Yes.

Q. All right. Then everyone, of course, knows that Lewis won the race; Calvin Smith was second; Johnson was third; where did Desai Williams fit into the 100 meters?

20

A. I believe he was seventh.

Q. All right. What was Lewis' time?

A. 9.93 for Lewis, 9.97 for Calvin Smith, and 10 flat for Ben.

Q. Do you recall what Desai ran?

25

A. I believe he was 10.18.

Q. I am going to come back to Ben Johnson's race and ask you some questions about it, but let's just finish the other athletes. How about Angella Issajenko, how did she do in Zurich?

5 A. She was to attempt to run in the 100 meters, but if she felt any discomfort in her hamstring, was to shut down and just run through the line and not -- not force it at this point. She couldn't afford to have another injury. She felt the hamstring bothering her when
10 she got to about 20 meters and just simply ran through and didn't run very quickly at all.

Q. Then Mark McCoy ran in the 110 meter hurdles. Do you recall where he finished?

A. He ran well in that particular race.
15 He ran -- I believe he equalled the Canadian record, ran 13.17.

Q. And the first place finisher was Roger Kingdom?

A. Yes, that's correct.

20 Q. Who was I believe the Olympic gold medalist in '84 in Los Angeles and again turned out to be the Olympic gold medalist in '88 in Seoul?

A. Yes. We were quit pleased with Mark because he was close to Kingdom and there was no doubt
25 that Kingdom was a prohibitive favourite for the Olympics,

but Mark was looking good for a possible placing.

Q. All right. Now again I asked you the same question about Zurich and Ben Johnson. What was your assessment of Johnson's performance from the point of view of where he was at in his general condition leading up to this biggest race of his life in Seoul in September?

A. Well, he looked even more ragged than he had in Sestriere. He didn't feel comfortable. He was pressing too hard late in the race to try and maintain a very small lead. He wasn't relaxed. And once again, his heels were not coming up underneath him as they should. And at the end, he backed off when it was clear he couldn't win. So, potentially he could have run 9.97 or 8 if he had run across the line.

So, basically for how ragged he looked, certainly there was no question that once he smoothed out he should be ready for a world record, if he could run 10 flat looking that bad.

MR. ARMSTRONG: All right.

THE COMMISSIONER: Was he hurting?

THE WITNESS: No, but HE just was stiff and not -- not smooth at all. He was thinking at that point that perhaps he just needed another race or two and wanted to run in Cologne. We weren't sure why he looked worse than he had in Sestriere at that point.

BY MR. ARMSTRONG:

Q. All right. Now, Mr. Francis, I am going to take you along to the scheduled meet in Cologne which was scheduled for August the 21st, 1988.

5 Now, first of all, Angella Issajenko, she was scheduled to run in Cologne but as a result presumably of her experience in Cesanitico and --

THE COMMISSIONER: Zurich.

10 BY MR. ARMSTRONG:

Q. Sorry, Zurich, you came to the conclusion, or she came to the conclusion, that it was better that she return to Toronto?

A. Yes, she did that.

15 Q. All right. And what was the plan with her that she would go home and get some rest and go home and train or?

A. She would take at least four to five days off without any training, and she would go for some treatments with an interferential machine which could be
20 used on the hamstring that was available from a chiropractor.

Q. That's a new piece of equipment we have heard about. What does that particular machine do?

25 A. Well, it's a device, I don't know how

to explain it, but it basically has two intersecting currents that are run at -- I think it's a couple of thousand hertz or something, and then you add one to the number and it gives a pulsing sensation to the muscle and it's sort of twisting. It's quite effective at loosening up deep muscle and so on.

Q. All right. Then Ben Johnson was scheduled to run in the 100 meters; Desai Williams scheduled to run in the 100 meters; Mark McCoy was scheduled to run in the hurdles and also apparently in the 100 meters?

A. No, there was no hurdles there I believe.

Q. I see.

A. He was to run the 100 only.

Q. All right.

A. And there was to be a relay.

Q. All right.

A. For the --

Q. Was Marita Payne, was she scheduled to run in Cologne?

A. Yes --

Q. Now --

A. -- in the 400 meters.

Q. -- before we -- again I want to focus

here on Ben Johnson, but before we get to Ben Johnson, how did -- do you recall how Mark McCoy did in the hurdles, or sorry, there was --

THE COMMISSIONER: 100 meters.

5

BY MR. ARMSTRONG:

Q. -- you said there was no hurdles.

How he did in the 100?

A. Actually he was running very well.

10 They had several timed sections in the 100. He was clearly leading, and probably would have won the 100 overall, but he had a slight strain in his hamstring and shut down at about 60 meters.

15 Q. I recall some of your evidence the other day which would seem to be substantiated by what you have just said now that as hurdlers go, Mark McCoy is probably the fastest sprinter?

20 A. Yes, there is no question in terms of his 100 meter time. He's run 10.21 seconds in 100 which is faster than really any of the hurdlers with the exception of which Willie Gault who no longer runs.

Q. Then going to Marita Payne. Do you recall where she came in in Cologne?

25 A. I believe she was fifth or sixth, but I am not sure.

Q. Not certain?

A. It was not -- once again she still was feeling sub-par

5 Q. All right. Now, going to the 100 meters, Desai Williams came fourth, I think, is that not so?

A. Yes, that's correct.

Q. And then we know that Ben Johnson came third. What was his time?

10 A. I believe it was 10.26 or 7, or something.

Q. My note says 10.26, so can we call it 10.26?

A. Sure.

15 Q. All right. Then who came first and second in Cologne?

A. Calvin Smith won and --

THE COMMISSIONER: An Englishman --

THE WITNESS: Dennis Mitchell was --

20 THE COMMISSIONER: From England?

THE WITNESS: No, from America also.

THE COMMISSIONER: He was from the States?

THE WITNESS: Dennis Mitchell.

THE COMMISSIONER: Dennis Mitchell.

25 THE WITNESS: Was second.

BY MR. ARMSTRONG:

Q. So, then -- sorry, I have gone at this backwards for some reason. Calvin Smith, first; Dennis Mitchell, second; Ben Johnson, third at 10.26; and Desai Williams was fourth I believe at a time of 10.28?

A. Yes, I believe so.

Q. Now, this, of course, was a race --

THE COMMISSIONER: What date is this now, approximately?

MR. ARMSTRONG: I am sorry, it's August 21.

THE COMMISSIONER: August 21st. Okay.

BY MR. ARMSTRONG:

Q. Now this was a race in which Ben's major competition at that time, Carl Lewis, was not in the race. I assume in ordinary circumstances you would have expected Ben Johnson to win the race easily; am I right?

A. Yes, certainly.

Q. All right. Now, although 10.26 isn't exactly jogging, I guess in terms of the world elite athletes and Ben Johnson where he would fit in, it doesn't seem to me that he did very well. Am I stating the obvious here?

A. Yes, there is no doubt that --

initially we had thought that possibly Zurich he was just a little bit stiff going into the race, but now we had a clear trend that in fact he was going down. And we then had a meeting with Dr. Astaphan and Waldemar and myself. And we felt that the fatigue was caused by the fact that we didn't have a recovery period between the nationals and the European trip, and that we had gone very quickly up to altitude and down again.

So, it became clear we had made a mistake to go to go altitude, you know, with so little recovery time. That just accelerated our problems.

Q. All right. And can I take you back to where we were a few minutes ago. You told me that the nationals indeed had been scheduled in August at a much later period than they usually were in order to accommodate the duplication of officials that would be required for junior championships in Sudbury in July, and then later in Ottawa for the nationals?

A. Yes, it was approximately two weeks difference from the normal date. It would usually be around the third week in July or the end of August. So, anywhere from a week to two weeks later than normal.

Q. So, perhaps not of your own making and not anybody's fault anywhere, you really found yourself into a scheduling bind as it turns out because you had

gotten your group ready for the nationals and ordinarily they would have had a break at the end of July before the European season after the nationals?

5 A. Yes. Unfortunately, if we took such a break at this point, it would be after Zurich by the time we would get over there. And then the meets would be finished in Europe. And if he went -- even if they found competitions that would be later, they then would have the difficulty of the running those competitions which would
10 be their tune-up races for the Olympics so late that by the time they got back to North America, you know, they would be tired going over to -- the other way to Asia.

 Q. All right. Now, you were scheduled to go to Berlin after Cologne; is that right?

15 A. Yes, that's correct.

 Q. All right. Now, what decision was made and why was it made in regard to Berlin?

 A. We canceled the competition. It was clear that a problem had been ensuing and we had an injury
20 to Angella Issajenko. We had the problem, the slight injury to Mark, and we had Ben deteriorating.

 Further, it wasn't -- we believed that this altitude scenario was confirmed by other athletes who also appeared to have problems. The other Canadians who had
25 come over to Europe and run in Sestriere had problems with

the one exception which was Jillian Richardson simply because she ran a 200 meters dual meet rather than her usual event which was 400. And she stayed out of Zurich and rested and ran only in Cologne. So she was the only one of the Canadians who appeared to be on target.

So, I tried to evaluate not only what happened to my athletes, but in fact what happened to all the athletes who went on this same roundabout. And my conclusion was that the altitude trip and the short break was the main contributing factor in the performances.

Q. All right. So, that then led to your decision not to proceed to the meet in Berlin?

A. Yes, that's correct.

Q. Now the meet in Cologne as we have just indicated was August the 21st. I assume then your group returned home on or about August 22nd?

A. Yes, that's correct.

Q. And had Angella Issajenko already left since a decision had been made for her not to go to Cologne at all?

A. Yes, she was back in Toronto.

Q. All right. Now, you came back to Toronto then on August the 22nd or thereabouts. At that point in time, you are approximately a month away from the sprints in the Olympics in Seoul. So, I am assuming that

this next month, from August the 22nd until the sprints at the Olympics in Rome, is all going to be a program directed at having your athletes peak for Seoul?

A. Yes, that's correct.

5 Q. All right. Then what was the plan then upon the return to Toronto. How were you going to approach this month, and what were you going to do with it?

A. Well, basically each had a little bit
10 different plan. As you may remember, from the 1987 training cycle, they would freshen up after each trip to Europe or whatever. So, they were to take four days off. Of course, as soon as they got back, Angella had already had her time off and was beginning light training again,
15 but the others were to take four days without any training at all to recover.

And then once the training resumed, after a short period of easy running, they each were to have an individual point of emphasize.

20 In Ben's case, it was decided that -- he was interested in having more endurance. It was clear that his speed was high enough and would be high enough once he had his full flexibility and technique down pat. But he needed the endurance to finish up the race. So, his point
25 of emphasis would be on 200 meter runs. He was to do

three different sessions of 200 meters runs with two runs in each session at high speed.

Q. All right. And you were scheduled were you not to be in Vancouver on September the 6th where the Canadian Olympic Association had set up a staging camp from which the Canadian Olympic team would leave for Seoul?

A. Yes, that's correct.

Q. And in your case, I understand that you planned to go to Vancouver on September the 6th for this what I call staging camp where the team would pick up it's uniforms and so on, and then indeed you were going to go along, when I say you, you and your Mazda group, were going to go along to Toyko for a track meet in Toyko?

A. That's correct.

Q. All right. And just to complete the schedule then, you would go to Vancouver September the 6th as it turns out you did, you would then leave for Toyko on September the 7th where there would be further training and a track meet I believe on about September the 14th?

A. That's correct.

Q. And that would be the final as it were training and tune-up prior to your arrival in Seoul?

A. Yes.

MR. ARMSTRONG: All right.

THE COMMISSIONER: Would this be an appropriate time for us to have our morning break.

MR. ARMSTRONG: Yes, it would.

THE COMMISSIONER: Adjourn for 15 minutes.

5

--- Short recess taken.

--- Upon commencing.

THE COMMISSIONER: Mr. Armstrong.

10

MR. ARMSTRONG: Thank you, Mr.

Commissioner.

BY MR. ARMSTRONG:

15

Q. Now going back to the month leading up to the Olympic Games, you outlined what the program would be for Ben Johnson. You indicated that there would be variations for others of your athletes. I take it then you would have trained in Toronto at York University up to September the 5th or thereabouts, having made arrangements to leave for Vancouver on the 6th?

20

A. Yes, that's correct.

Q. All right. Now, in the training program that was devised for Ben Johnson and the sum of your other athletes, was there a steroids component built into this program?

25

A. Yes, there was.

Q. And who was involved in the steroids program, what athletes?

A. Ben, Angella Issajenko, Desai Williams,
5 Mark McCoy, Tracy Smith.

Q. All right. Can you help me, Mr. Francis, as to who it was that designed the steroids program for this period of time?

A. It was designed by Dr. Astaphan.

10 Q. And can you in general terms first of all tell me who it was or, I am sorry, in general terms tell me what drugs were involved in this program?

A. Basically the Estragol, the Inosine-B-12 mixture and some growth hormone.

15 Q. All right. Now you mentioned growth hormone. The last time that the group had been involved with growth hormone, I believe was the spring of --

THE COMMISSIONER: May I have that again, the Estragol?

20 THE WITNESS: Yes.

THE COMMISSIONER: And the vitamin?

THE WITNESS: B-12-Inosine mixture.

THE COMMISSIONER: Right.

THE WITNESS: And some growth hormone.

25

BY MR. ARMSTRONG:

Q. The last time that the group or anyone
in your group, according to your evidence, who had been
involved with growth hormone was in 1984 in Guadeloupe; am
5 I right?

A. Yes, that's correct.

Q. And whose idea was it to introduce
growth hormone at this time?

A. Dr. Astaphan.

10 Q. And what purpose did he think it would
serve?

A. He was very concerned because of the
travel and also the fact that Ben had a slight soreness in
his tendon, and that both Angella and Mark McCoy had had
15 slight injuries. He felt this would help in healing the
injuries and speed up the recovery process.

Q. Now going back for a moment to the drug
that you called Estragol, that's the drug that Dr.
Astaphan had introduced you to in 1986 I believe it was?

20 A. Yes, that's correct -- well, actually
the fall of 1985 leading into the '86 season.

Q. All right. I will, of course, never
learn that that is the case but the object here I guess is
not for me to learn but for others to benefit by your
25 evidence.

Estragol then was introduced by Astaphan, and so far as you are aware that's what he called the particular drug and when you were administering the milky white substance in your apartment, from time to time, that you have described during the course of your evidence, you believe that to be Estragol?

A. Yes, that's correct.

Q. And indeed Exhibit 117 A, which is the vial or bottle of a milky white substance, milky white on the bottom and clear on top when it's settled, you believe that substance to be what Dr. Astaphan described as Estragol?

A. Yes, that's correct.

Q. Now, this steroids program that was designed to include Estragol, and I suppose I have already miss-described it because it's not -- it is not really a steroids program, it's a program involving two other substances which are an Inosince-B-12 mixture and a growth hormone mixture?

A. Yes.

THE COMMISSIONER: Plus the steroid.

MR. ARMSTRONG: I am sorry?

THE COMMISSIONER: Estragol.

MR. ARMSTRONG: Estragol was clearly --

THE COMMISSIONER: Understood to be a

steroid?

THE WITNESS: Yes.

THE COMMISSIONER: What's --

5

BY MR. ARMSTRONG:

Q. The other two substances are not?

A. Yes.

10

Q. Now, over what period of time were your athletes that you have named, including Ben Johnson, going to receive the Estragol growth hormone and the Inosine-vitamin B-12 mixture?

A. The program called for the period of time up to September 2nd, which would be the last day.

THE COMMISSIONER: September what?

15

THE WITNESS: September 2nd.

THE COMMISSIONER: The 2nd. And that Estragol, the milky white substance is injected, is it not?

THE WITNESS: Yes, that's correct.

20

THE COMMISSIONER: It was all injected?

THE WITNESS: Yes, all of the substances.

THE COMMISSIONER: Who injected them during that three-week period or whatever it is? How many weeks are we talking about now, about three weeks?

25

BY MR. ARMSTRONG:

Q. We are really talking about the period of time you get back from Cologne, you get back on I presume about August the 23rd?

5 A. Yes, and I believe the program started on the 24th for most of them.

Q. And so it was I assume going to be a relatively short period of time that these drugs would be administered?

10 A. Yes, that's correct.

Q. Now --

THE COMMISSIONER: From August 24th to September 2nd, is that the date of the program?

THE WITNESS: Yes.

15 MR. ARMSTRONG: Now --

THE COMMISSIONER: Who administered the drug? Are you going to cover that stage?

MR. ARMSTRONG: Yes, we are going to go all through this.

20 BY MR. ARMSTRONG:

Q. Then, Mr. Francis, just covering off the vitamin B-12 and Inosine, that we know from your evidence is a drug that is not on the banned list, and is
25 a drug that your athletes took on a regular basis. And I

A. Yes, it is.

Q. Do you know who it was that obtained the growth hormone that was used in this program?

A. Yes, Dr. Astaphan got it.

5

Q. And did Angella Issajenko pay Dr. Astaphan for the growth hormone that she got, to your knowledge?

A. Yes, she did.

Q. How much did she pay him?

10

A. \$1,000.

Q. And what did she -- how much did she get?

A. It was one large bottle as protropin which is an American genetically engineered growth hormone.

15

Q. And perhaps you can help us as to what you mean by a large bottle, approximately?

A. I'm not sure of the actual size but it was enough to last for a couple of weeks.

20

Q. All right. Well, I don't know. Exhibit 117-A, I called a -- I'd call that a small bottle. Was it of that size or thereabouts?

A. No, it was bigger than that.

Q. Than the 117-A?

25

A. No it was considerably bigger than

that. It would be twice as big, I would imagine.

Q. What about Mark McCoy and Desai Williams? To your knowledge and belief, did they receive a bottle of protropin growth hormone?

5 A. Yes.

Q. And did they each receive a bottle or did they receive a bottle between them, do you know?

A. They had a bottle between them.

10 Q. And did they similarly pay Dr. Astaphan \$1,000 for that bottle of growth hormone?

A. Apparently not.

Q. Then was, to your knowledge and information, a growth hormone obtained for Ben Johnson?

A. Yes, that was my understanding.

15 Q. And again, I assume that was obtained by Dr. Astaphan?

A. Yes, it was.

20 Q. And was the growth hormone obtained by Dr. Astaphan for Ben Johnson, was it also accompanied by a payment from Ben Johnson to Dr. Astaphan, to your knowledge and information?

A. I don't know.

25 Q. All right. Now, in terms of who administered the drugs in this program that you have described, first of all, did you, Mr. Francis, play any

part in it in this period of late August, early September?

A. Yes, I remember giving one injection.

Q. To whom?

A. To Ben Johnson.

5 Q. And what injection did you give to Ben Johnson in late August or early September of 1988?

A. It was -- the date was August the 24th and they got a shot of Estragol and inosine mixed together.

10 Q. So, presumably on that particular day, you didn't have the growth hormone or the growth hormone was not scheduled to be given to him?

A. No.

15 Q. Indeed, let me ask you one more question about the growth hormone. Was it not so that Dr. Astaphan devised a plan whereby the growth hormone should be given separately from both the inosine/vitamin B-12 mixture and Estragol?

20 A. Yes, he was very careful to explain that they should take it separately.

Q. Now, where was it on August the 24th that you gave the injection to Ben Johnson?

A. It was in my apartment.

25 Q. Was there anybody else in your apartment at that time?

A. Yes. Angella Issajenko was there.

They both came to get massages because at that point Waldemar had gone home to Ottawa after being in Europe and had not come back to Toronto, so I was doing the massages and they both came to my apartment for massages and I did Angella, then Ben and then I drove Angella home, as I recall.

Q. When you say you did Angella and then Ben, I assume you're, at that point, referring to the massages?

A. Yes.

Q. Now, was Angella Issajenko actually present when the injection of the inosine/vitamin B-12 mixtures, Estragol was injected into Ben Johnson?

A. She was in the apartment but I don't believe she saw anything.

Q. Now, when you injected Ben Johnson at that time with the Estragol, did the Estragol have its usual appearance that we have seen in this hearing and you have described in this hearing as a milky white substance when it is mixed up in the bottle?

A. Yes, and it was taken from a bottle in my apartment.

Q. And I take it when you draw it out of the bottle into the syringe, you draw it out with the

bottle shaken up?

A. Oh, yes.

Q. Do you?

A. Yes.

5 Q. And was Ben Johnson present when you drew the, what you understood to be Estragol, out of this bottle into the syringe?

A. Yes, he was.

10 Q. And was the inosine/vitamin B-12 mixture, was that taken out of a separate bottle, separate vial?

A. Yes. Always the inosine was taken out first.

15 Q. Would he have been present when you took -- let me just stop here to get it exactly. Forgive me, this is something that I should have covered before now.

20 When you do this, do you have a separate vial that contains vitamin B-12 and a separate vial that contains inosine and then you draw the two of them separately into the syringe or are they pre-mixed as it were?

A. No, they're pre-mixed in the one bottle.

25 Q. All right.

A. But in all the cases when I gave injections to anyone, I would, you know, use the cotton and so on with alcohol and then draw the inosine and B-12 mixture first and then would add the Estragol second.

5 This is to prevent contamination of the inosine and B-12 with any steroid that could -- because it's possible you would use the inosine and so on right through the competition. So, it was necessary to make sure they were done in that order.

10 Q. Now, you told us before, but since this is an important part of your evidence, tell us again please, what is the colour of the inosine/vitamin B-12 mixture?

A. Dark brown, depending on the strength.
15 The stronger it was, the darker brown it would be.

Q. So, that I have the chronology right then, you would have been in your apartment with Ben Johnson, you would have placed the syringe with the needle on it into the bottle of the brown liquid containing a mixture of vitamin B-12, inosine and drawn that into the
20 syringe?

A. Yes.

Q. And was Ben Johnson present to see you do that?

25 A. Yes, he was.

Q. Then the next step you would have done was you would have taken the same syringe now with the inosine/vitamin B-12 mixture into it, placed it in the vial containing the milky white substance which you knew
5 to be Estragol and you would have drawn that substance into the vial?

A. Into the needle, yes.

Q. And the result of that, of course, being you now have a mixture of inosine, vitamin B-12 and
10 what you knew to be Estragol?

A. Yes.

Q. And you've already told me, I believe, that Johnson was present when you drew the milky white substance out of the vial into the needle, into the vial
15 that you were going to inject -- into the needle, into the syringe that you were going to inject into him?

A. Yes, that's right.

Q. Now, was it your opinion or belief at that time that Ben Johnson knew and understood that he was
20 being injected with an anabolic steroid called Estragol?

A. Yes, that's correct.

Q. Then, Mr. Francis, during this period of late August, early September 1988, was that the one and
25 only time that you gave an injection of a drug to Ben Johnson?

A. Yes, that's correct.

Q. And what is your information or belief as to whether in this period he received injections of drugs from somebody else?

5 A. That was my understanding, yes, he had a page with his instructions and so on as to what he was going to take on which day.

THE COMMISSIONER: I'm sorry, he had a what?

10 THE WITNESS: A written instruction from Dr. Astaphan as to what he was to take.

THE COMMISSIONER: Was Dr. Astaphan in Toronto at that time?

THE WITNESS: For part of the time, yes. For part of the time he was in St. Kitts.

15 MR. ARMSTRONG:

Q. All right. And when -- you only did the one injection. Do you know who did the other injection?

20 A. No, I don't.

Q. And when you say Ben Johnson had a page written out as to what he was to take, can you be a little more explicit than that? What are you referring to?

25 A. Well, Dr. Astaphan wrote out a protocol for him to follow with -- itemized with the dates he was

to receive the inosine and the Estragol and the....

Q. Vitamin B-12?

A. Well, inosine was listed as the same as B-12.

5

Q. Yes?

A. The Estragol and also the growth hormone and it had the dates on which these substances were to be administered up until September the 2nd.

10

Q. And were you simply told about that page or did you actually see it yourself?

A. I didn't see his copy, no.

Q. You have, however, seen a similar page in respect of one of your other athletes, I take it?

15

A. Yes, Angella Issajenko had a similar page.

Q. And on that page was, again, a description of what the drug program would be for her during this period of time?

A. Yes, that's correct.

20

Q. Now, in regard to your other athletes whom you have mentioned ---

THE COMMISSIONER: Can I just go back?

MR. ARMSTRONG: Yes.

25

THE COMMISSIONER: What were the circumstances that resulted in your actually giving the

injection on that day? How did that come about?

THE WITNESS: He was present at my apartment to get the massage. He asked me to give him the injection at that point.

5 THE COMMISSIONER: All right.

MR. ARMSTRONG:

Q. All right then. And, at that time, were you aware of what it was -- I assume you're aware of what it was that Dr. Astaphan had mapped out for Ben
10 Johnson and this group?

A. Yes, they all had a similar protocol.

Q. All right. Then were you, yourself, involved in the administration of any injections in this
15 period of time to Angella Issajenko, Desai Williams, Mark McCoy or Tracy Smith?

A. No, I was not. My understanding was that Tracy was going to Angella's apartment to get injections and that Desai and Mark were injecting each
20 other.

Q. And I assume your understanding was, insofar as Angella Issajenko was concerned, that she would have followed the ordinary practice that had developed long ago, that she looked after her own injections at
25 home?

A. Yes, that's correct.

Q. All right. Now, you've told us that -- well, I was going to move you along to Tokyo, but before we move along to Tokyo, the training program that involved the actual training and running at York, Ben's 200 metre runs that you've described in general terms, how did that progress?

A. Extremely well. He had personal bests over the 200 metres on two occasions. From a standing start he recorded 19.6 in the 200 metres which was a personal best and would be, I guess best described, if it were an electrically timed race where the starting blocks and the guns and so on, it would be somewhere under the 20 seconds for the 200 metres. Perhaps 19.5 -- 19.95 electronic.

Q. All right. And what about your other athletes? How did they progress in this period of time prior to leaving to go to Vancouver and on to Tokyo?

A. Very well.

Q. Now, you've told us earlier that you were headed for Vancouver on September the 6th and then after checking into the staging camp in Vancouver, it was on to Tokyo for a meet in mid-September.

I just wanted to ask you, was the meet in Tokyo a meet at which your athletes were simply going to

run in the relays?

A. Yes, that's correct. It was -- we felt it would be a mandatory competition.

Q. I'm not sure what you mean by that?
5 What do you mean by a mandatory competition?

A. Well, in other words, Gerrard Mach would insist that they run the relay at that time as a final practice before the Olympics.

Q. And ---
10 THE COMMISSIONER: Where -- I'm sorry, have you left Vancouver yet.

MR. ARMSTRONG: Yes.

THE COMMISSIONER: Well, was there any testing of track and field athletes, before going to the
15 Seoul Olympics, in Canada?

THE WITNESS: Not subsequent to the national championships.

THE COMMISSIONER: In the weightlifters phase they were all subject to testing before they left
20 Canada for Seoul.

THE WITNESS: No -- not exactly. What apparently happened in the weightlifting case was, I believe there was seven of them on the team.

THE COMMISSIONER: Well ---

25 THE WITNESS: But anyway, four of them were

recalled because their ---

THE COMMISSIONER: No, no, please, Mr. Francis.

THE WITNESS: I'm sorry.

5 THE COMMISSIONER: They were all subject to mandatory testing when they came back from Europe on the way to Vancouver in Montreal.

THE WITNESS: Okay.

10 THE COMMISSIONER: And it was because four of the tests were unsatisfactory and four had to be retested but, at that time, the rule was that all athletes who were going to participate in Seoul had to be tested before leaving Canada; that is, the weightlifters.

15 I was merely asking you whether there was a similar rule for the Track and Field Association, for the track and field team.

THE WITNESS: No, there was not.

THE COMMISSIONER: All right.

20 MR. ARMSTRONG:

Q. And indeed, just to follow that up, I take it prior to the Seoul Olympics in 1988, there was not such a thing in track and field, so far as Canadian athletes were concerned, of random testing?

25 A. No, there was not.

Q. And the only kind of testing that was done, which we'll come to in Ben Johnson's case, was testing in competition up until Seoul?

A. That's correct.

5 Q. And including Seoul?

A. Yes.

Q. All right. So, the trip then from Toronto to Vancouver is simply a leg of the journey to Tokyo and on to Seoul, stopping in Vancouver to pick up
10 your uniforms and whatever instructions there are from the Canadian Olympic team?

A. That's correct, yes.

Q. All right. You, of course, I think we've got in evidence but if we haven't we should
15 certainly put it in now, you, yourself, were going to Seoul as one of the selected track and field coaches on the Canadian Olympic team?

A. That's correct.

Q. And in particular, in the Canadian
20 Olympic team sprint coach?

A. That's correct.

Q. Gerrard Mach, whose name you mentioned a few moments ago, he was ---

THE COMMISSIONER: The national coach.

25 MR. ARMSTRONG:

Q. The national coach of the Canadian Track and Field Association and also, I take it, the national coach, head coach of the Canadian Olympic team's track and field team?

5 A. Yes, that's correct.

Q. And I think what you were telling me a few moments ago that he, in his capacity, as head coach of either the national team or the Canadian Olympic team had made the decision that the Canadian athletes were going to participate as a final tune-up in Tokyo. Is that right?

10

A. Well, not all the athletes would have to participate. But in the case of relays, it would be most likely that they would have to run, yes.

Q. All right. And so, who was scheduled among your group to run in the relays in this meet in Tokyo?

15

A. Desai, Ben, Mark and Angella Issajenko.

Q. All right. Now, was there, I assume some concern, that if any of your athletes were tested at this meet in Tokyo, they may not have had sufficient time to have the steroid, Estragol, cleared from their system and thereby some -- there may be some risk of testing positive?

20

A. Yes. That's why it was -- a program of diuretics was also built in. It was one of the first

25

times or the first time that diuretics were built into this clearance and also they were to have this mixture of vinegar, which is supposed to be of a bit of blocker, available for the Tokyo competition.

5 Q. And whose idea was it to have your athletes take the diuretics and indeed the vinegar?

A. Well, the vinegar would only be used in the event you were called for testing. It was Dr. Astaphan.

10 Q. All right. So, and indeed did, to your knowledge and belief, Dr. Astaphan make available to those of your athletes who had taken the drug which you believed to be Estragol, did he make available to them some diuretics?

15 A. Yes, that's correct.

Q. Diuretics, are they in pill form?

A. Yes.

20 Q. And so far as you're aware, he would have given each one of these athletes who had received some Estragol some diuretic pills?

A. Yes, he gave them some tablets with instructions on how to take them.

Q. All right. And do you have any knowledge as to whether any of them took the diuretics?

25 A. Yes, I believe all of them took them.

THE COMMISSIONER: That's when, in Japan, or when?

THE WITNESS: In Toronto, as well as in Japan. There was several periods in which they took a diuretic. I believe there were perhaps four separate days on which they took a diuretic during the next ten-day period or so.

THE COMMISSIONER: Diuretics were also on the banned list?

THE WITNESS: Yes, by then they had been added to the banned list.

MR. ARMSTRONG:

Q. Now just again to summarize at the risk and indeed, in fact, repeating myself, I take it it's clear from your evidence that in this period of August, September 1988, the clear architect of this drug program is Dr. Astaphan?

A. Yes, that's correct.

Q. Again, however, you were informed of the program and you accepted Dr. Astaphan's advice?

A. Yes.

Q. Then at this meet in Tokyo, the men, did they run in the relay?

A. Yes, they did.

Q. And how did they do?

A. Well, there was nobody there other than a B team of Canadians. The conditions were absolutely miserable and in fact, there was ---

5 Q. You must have thought you were back in Edinborough?

A. It was worse. It was quite a rain and I was very concerned about them being out there. I could see no possible value in this relay practice or whatever you want to call it. I believe the women's team ran alone and the men's team ran only against a Canadian B team.

10 Q. So, the women just ran against a clock, did they?

A. Ran to practice their exchanges.

15 Q. I see.

A. The times were so slow they made no difference, to both teams.

Q. All right. So the men ran against the B team?

20 A. Yes.

Q. All right. I take it the men came through it all right? There were no injuries?

A. Yes, and the Canadian team won, yes.

Q. The A team won.

25 THE COMMISSIONER: The Canadian team won.

THE WITNESS: Yes. They didn't run quickly. I was quite concerned about it because of the bad conditions, I didn't want to take any chance but the athletes assured me that they would be careful, don't
5 worry about it, they'll take it easy and they did. And they didn't race against each other or anything like that.

MR. ARMSTRONG:

Q. Now, was there any -- as it turned out,
10 any testing in Tokyo?

A. I don't know but I didn't see any. None of our people were tested.

Q. So, as it turned out then, I guess the diuretics that had been taken as a precaution were not
15 necessary?

A. They shouldn't have been necessary. In other words, many times there had been tests within two weeks of the taking of the Estragol substance in the past and then with the diuretic as well, they would be even
20 farther removed from any risk by the time the period came up.

25

Q. You mentioned that, however, this was the first time, as I understand it, that, to your knowledge, any of your athletes had taken a diuretic or been given a diuretic to take?

5 A. They had taken diuretics at various times in very small amounts but never for this purpose.

Q. Oh, I see. And what purpose had they taken them for, to your recollection?

10 A. Well, sometimes if they felt there was some fluid retention or something. I wasn't directly involved in that because that was strictly from the doctor. But not in terms of a strategy for clearing a drug test.

15 Q. Then just let me ask you this question. It seems, at least to the observer, that there had been a significant change in the program that these athletes were entering into, at least to the extent, first of all, of timing. I don't think you've ever testified before as to your athletes entering into a steroids or drug program at
20 this time of year. There was a significant change in terms of the administration of something called growth hormone, and there was, finally, a significant change in the administration of diuretics; am I right?

A. Yes, that's correct.

25 Q. Did the fact that all of this had seemed

to change, in terms of timing and drugs being administered immediately prior to the biggest race in the lives of your athletes, cause you any particular concern?

5 A. Well, I was in contact with the doctor. He had been on the money in all his previous decisions. We'd been through the rationale in terms of the injuries we had sustained in Europe and the difficulty in recovery. We had the altitude problem, the lack of a recovery period after the nationals and so on, and it seemed like the best
10 situation we could come up with.

 THE COMMISSIONER: But also there had been a deterioration in their performance.

 A. On the basis of lack of recovery and -- that was not expected to be a lasting deterioration. In
15 other words, that was related to fatigue.

 THE COMMISSIONER: I see.

 A. But, on the other hand, that meant there was less time for them to improve from their performances at the national championships to the level necessary for
20 the Olympic games.

 THE COMMISSIONER: I'm thinking of the European tour, which showed the performance was going down instead of going up.

 A. Yes, relative to the fatigue that they
25 suffered from the travel and the altitude adjustment.

MR. ARMSTRONG:

5 Q. And I take it, there can't be any doubt about it, that that factor that the Commissioner has just mentioned must have played a significant part in Dr. Astaphan's decision to put them on this program and your acceptance of the program?

A. Yes, that's correct.

10 MR. ARMSTRONG: All right. Now, Mr. Commissioner, I'm going to move along from Tokyo. I don't have any more questions about Tokyo. Having said that, I thought of one more. Of course, a lawyer can always think of one more question. I apologize.

15 Q. Just to flesh it out, I take it that you stayed for a period of time in Tokyo, and, indeed, apart from the fact that you had this one scheduled relay, you also ran a training camp in Tokyo, I think; is that correct?

20 A. Yes, we were staying in Narita, which is a suburb of Tokyo, near the airport, and we had a training camp there.

25 Q. So the athletes would have done whatever their training protocol called for at that time, their exercising, running, massaging and so on?

A. Yes, that's correct. We had quite a good setting at the hotel there with whirlpool and sauna and so forth at the hotel. It was a very good setting.

Q. And I take it from what you indicated
5 earlier with the B-Team of the men's relay being present as you've described it that there were other members of the Canadian Olympic team there apart from the Mazda group of athletes who are ordinarily coached directly by you?

A. Yes, the entire Canadian team was there.

Q. And when you say the entire Canadian
10 team, are you talking about the entire Canadian track and field team?

A. Track and field team, yes.

Q. So were the other athletes also involved
15 in that meet in Tokyo?

A. Well, some of them ran there. But as the conditions were so poor, most of them did not.

Q. And, again, approximately how long were
you in Tokyo?

A. From the 8th --

Q. We think you left about the 7th of
20 September?

A. So we would have landed on the 8th,
crossing the date line. We stayed until the, I believe,
25 the 14th or 15th, when we went to Korea.

Q. Let me just at this point bracket something in fairness to you. You have told me that travel arrangements are arrangements that you in your coaching career have attempted to avoid being involved in; am I correct?

A. Yes, that was a theory that my old coach told me many years ago. Put your mind in neutral and get on the plane and don't worry about it, because it's so fatiguing to worry about whether you have a delay at this airport or whatever. Just try not to think about it any more than necessary. Save your energy for what you had to concentrate on.

Q. All right. And can we assume from that then that while you appear to be able to snap off times of various runs going back to 1978-1979, you have avoided over the years committing to memory dates and places where you've been and you've traveled to?

A. The travel arrangements I would try not to think about.

Q. All right. Then I'm going to take you -- Approximately how much time in Tokyo then, I'm sorry, were you there?

A. From the 8th to the 14th, six days.

Q. Then I take it you go from Tokyo directly to Seoul?

A. Yes, that's correct.

Q. And I just want to ask you, first of all, about the living arrangements in Seoul. At every Olympics it seems they have something called the Olympic Village where the athletes stay. And was that where you and most of the athletes stayed?

5

A. Yes, that's correct.

Q. And what about Ben Johnson? Initially, where did he stay when he went to Seoul?

10

A. Well, he had made arrangements to rent space in what was called Family Town, which was sort of a subsidiary Olympic Village where relatives and so on could rent accommodations, and they might not have had the credentials or certificates to get into the main Athletes' Village. And it was also supposed to be a little bit better place to stay.

15

Q. All right. So Ben made arrangements to stay there, and was somebody else scheduled to join him there at Family Town?

20

A. Yes. There was Dr. Astaphan and his wife were going to be there and also Larry Heidebrecht and his wife, Ben's mother and Ben's sister and Ben himself and possibly Ben's father, as the initial plan was. But, of course, as you recall, there was the terrible hurricane in Jamaica, and he was a lineman so he had to try and put up

25

all the telephone lines after the storm.

Q. Now, as it turned out, Ben Johnson didn't stay very long at Family Town, and why was that?

A. Well, the conditions there were really
5 little better than the village. It would take a minimum for an athlete 45 minutes to an hour for each meal to stand in line, long walks to and from the cafeteria. The toilets were leaking; water was coming through the ceilings and so on. It was definitely not deluxe, shall
10 we say.

Q. And I take it if Ben Johnson had to line up for his food for 45 minutes in a cafeteria, it's not unlikely that he may have attracted a crowd as he stood in the lineup?

A. Certainly. The media seemed to have
15 access not only to Family Town but also to the Olympic Village, and it was quite a difficult situation. And I might point out, it's not just 45 minutes but three times 45, and, you know, that's very tiring to be standing for
20 hours every day just to line up for your meals, but you have to eat properly to prepare.

Q. So was some arrangement made or decision taken to move Ben out of Family Town?

A. Yes. Ben arranged with Larry Heidebrecht
25 to sell the accommodations they had at Family Town and to

arrange for him to move into the Hilton.

Q. All right. And who moved into the Hilton besides Ben?

A. That whole group.

5 Q. So it's Ben Johnson, his mother and sister?

A. Yes and --

Q. And Larry Heidebrecht and his wife and Dr. Astaphan and his wife?

10 A. Yes. At that point, Ben's mother and sister and Dr. Astaphan's wife and Larry's wife had not arrived. They went there first, and then, afterwards, the rest of the group came. And at that time, Ben was also anticipating that his father might arrive, but, of course, there was considerable concern as to the well-being of his
15 father. At one point the press phoned up and intimated that Ben's father was dead. They tried to phone Ben and ask for comments on this. It was quite a disturbing time for everyone concerned, since no one could phone Jamaica and find out indeed what happened.
20

Q. Now, during this period of time that Ben Johnson was in Seoul, he had about, if you left Tokyo on the 14th and assuming you arrived in Seoul on the 14th, he was there for better than a week before the heats in the
25 100 metres?

A. I believe he went there about the 16th.

Q. And was there some training program leading up to the 100 metres for Ben Johnson while he was in Seoul? What do athletes do immediately prior to a big race like that?

A. Well, I think we should go back and look at the situation in the training camp in Narita, first.

Q. Narita being where?

A. Back in Tokyo. And this would be the last occasion when they were going anywhere near 100 percent, until he did one run four days away from the Olympic Games. Ben ran a couple of 80-metre runs at very high speed in Narita and showed us, in fact, that he was running below 9.90 in the 100 metres. And also at that point, Angella Issajenko looked very well, as did Mark McCoy and Desai Williams. Then the training continued in Korea on a reduced basis, and the final high-speed session was four days away from the 100 metres in which Ben set a personal best in the standing-start 80 metres.

Q. And what was your assessment of him four days before the Olympics on the basis of that run?

A. Well, on that basis, since he was faster than he'd ever been before, it stood to reason that he should break a world record in the 100 metres.

Q. And the training in Seoul on the actual

track, where was that done? Was there a training facility in Seoul?

5 A. Yes. There was a warm-up stadium not too far from the Athletes' Village, and Ben would come from the Hilton in a taxi and come to practice, and I would be there for the other athletes.

10 Q. All right. I take it that, by and large, during the period of time that he was in Seoul leading up to the time of the 100-metre heats and the 100-metre semifinal and final on September the 24th that you only saw Ben when he was at the track during the training sessions because you were staying in the village and he was staying at the Hilton?

15 A. Yes, primarily, but on one or two occasions I did go to the hotel. On one occasion, we went to dinner, the whole group. There was a Korean businessman who had invited everybody for dinner, so I didn't want to miss a free meal, especially without a lineup. And, also, on another occasion, I went there with Valdemar, who was doing the massages at the hotel, 20 primarily, so that Ben wouldn't have to travel back and forth. Valdemar would take a taxi back and forth each day to the hotel and do Ben's treatment at the hotel and then treat the other athletes at the Village.

25 Q. And I'm assuming from what all of us

observed on television from time to time that Ben Johnson attracted a lot of attention during the period of time that he was in Seoul, both when he would be training at the warm-up track and when he was at the Hilton and other places in Seoul?

A. It wasn't too bad at the warm-up track and at the Hilton, but when we arrived at the airport, there was a very risky situation. I believe there were 400 journalists there, and they broke through the police barricades and there was a great deal of commotion. Ben was knocked down and sort of thrown bodily by the police into a waiting car and driven away with people hanging on to the bumpers and so on. It was quite frightening.

Q. All right. Then, Mr. Francis, I want to move you ahead to Friday, September the 23rd. That was the day that Ben Johnson ran in the first heat of the 100 metres and the quarterfinals of the 100 metres; am I correct?

A. That's right.

Q. And what was your assessment at that time based on his performance in those two races?

A. Well, he looked fantastic in the heat. He only ran about 35 metres and shut down, and ran, I believe, 10.36.

THE COMMISSIONER: That was the first heat?

A. The first heat. There was nobody particularly fast in it, so he could save a lot of energy. In the quarterfinals --

MR. ARMSTRONG:

5 Q. Let me just stop you there before you move along to the quarterfinals, which is quite interesting, but in the heat when he runs, you say 10.36, and he shut down after 30 metres, would that have been a deliberate tactic on his part to not run any harder than
10 you have to?

A. Absolutely.

Q. I guess this is a glimpse into the obvious that I often take, but I did want to ask it.

A. Yes, many athletes like to impress their
15 opposition by running fast and trying to psyche out their opponents. Ben will usually save all the energy possible and do the absolute minimum in order to qualify and then only run in the final.

Q. All right. Now, tell us about the
20 quarterfinals, please. I suppose what happened in the quarterfinals doesn't really have very much to do with our terms of reference, but a lot of people are interested, including the commissioner, I'm sure, as to how Ben Johnson was nearly disqualified from --

25 THE COMMISSIONER: Eliminated.

MR. ARMSTRONG:

Q. -- or eliminated from the quarterfinals.

A. Well, we had a conversation before the race. They stacked him up --

5 THE COMMISSIONER: Before the second heat, now?

A. Before the quarterfinals. He -- as you may know, they don't choose the opponents by name for the quarterfinals and so on; they choose them by performance.
10 So even though he won his preliminary heat, he had a very slow time in comparison to other performers there. So that meant that he got stacked up a little bit in the quarterfinals. So if --

15 MR. ARMSTRONG:

Q. Let me stop you there. What do you mean he got stacked up a little bit in the quarterfinals?

THE COMMISSIONER: He has to run against those who did better in the earlier heat?

A. Yes, he had a tougher heat than the
20 others. In other words, of the people who were considered to be threats, there were three in his quarterfinal with two guaranteed qualifying spaces plus four more to qualify by time.

25 THE COMMISSIONER: Four more for all the

heats?

A. For all the heats. And there were, I believe, six quarterfinals so, obviously, he had to be a little careful. I told him to be sure to finish second;
5 don't fool around. He said, yeah, he understood, no problem. But he also was looking at the schedule to see who the opponents were and so on. Each of the other sections had two, basically, tough competitors and virtually no one else who could run a fast time. Ben's
10 had three. So I saw him start the heat. I didn't think anything of it. I didn't really watch the finish line, and someone said, "Look, he's third." So I watched the replay on the screen and saw that indeed he had stopped prematurely and ended up third. I wondered what he was
15 doing.

THE COMMISSIONER: Did he know that only the first two were automatically qualified, or did he think it was the same as the first heat?

A. No, no, he understood well. In fact --

20 THE COMMISSIONER: Because in the first heat, the first three qualified to go on.

A. Yes. I cornered him outside and asked him what he was doing, and he said, "Oh, it was no sweat. I knew I was going under 10.20 because I can feel how fast
25 I'm going. It was no sweat." He knew nobody else who

would finish lower than second in any heat could run as fast as he could run, so he knew it didn't matter. He had shut down at about 60 metres in the race, thought he was farther in front than in fact he was and didn't want to
5 take a chance and re-accelerate late in the race to bother to fight for that space because he knew that nobody else in the competition other than the principal qualifiers could run under 10.20 and he knew that he had gone under 10.20.

10

MR. ARMSTRONG:

Q. Did he tell you that? Was that his
explanation?

A. Yes, exactly

15

THE COMMISSIONER: What was his time?

A. 10.17. He always surprised me. I said,
"How can you be so sure?" And he said, "I can feel it. I
know what I'm running."

20

Q. I'm sorry, I lost it and I want to make a
note of it. What had he run in the preliminary heat?

THE COMMISSIONER: He didn't tell us.

A. 10.36.

25

MR. ARMSTRONG:

Q. 10.36?

A. I believe.

Q. All right. So although there were a few people on this side of the water that were a bit nervous, we know that as it turned out that he had indeed qualified from the quarters and went into the semifinals the next day on Saturday morning, September the 24th, at 11 a.m.; am I right?

A. Yes, and as it turned out, he was quite right, that none of the other time qualifiers were remotely close to what he had run.

Q. Before we get into the fateful day, as it were, of September the 24th, I want to ask you a couple of questions about the period of time since the group had left Toronto on September the 6th or thereabouts. To your knowledge, had any members of the group, including Ben Johnson, taken any steroids?

A. No.

Q. And to your knowledge, since the group had left Toronto on September the 6th, again up to and including this time of September the 23rd, where I think you have, had the group taken any growth hormones?

A. No.

Q. Now, the inosene Vitamin B-12 mixture you told me earlier on more than one occasion because I asked you on more than one occasion, it, I assume, was taken on

a regular basis right through, right up to the time of competition?

A. Yes, as it was not a banned substance. It was taken right through the competition.

5 Q. All right. Now, the Vitamin B-12 inosene mixture you have told us is administered by injection. How frequently would your athletes and, in particular, Ben Johnson, be getting injections of Vitamin B-12 inosene mixture from September the 6th up to, say, September the
10 23rd?

A. Every two or three days, I guess, at that point, and then before the race, perhaps for two or three days in a row.

THE COMMISSIONER: And who injected them?

15 A. Dr. Astaphan.

THE COMMISSIONER: So Dr. Astaphan is in Tokyo and as well he's in Seoul as well, is he?

A. That's correct.

20 MR. ARMSTRONG:

Q. And I take it, again, just because this is important, but I take it it's clear that you administered no injections to Ben Johnson after the one that you referred to on about August the 24th?

25 A. Yes, that's correct, or to anyone else at

that point.

Q. And again, just so that we have it, to your knowledge, was Ben Johnson ever administered any drug called stanozolol up to and including the time of
5 September 23rd, 1988?

A. Not to my knowledge.

THE COMMISSIONER: I'm sorry, from what --

MR. ARMSTRONG: And I didn't put a starting time on that. It's wide open, I apologize.

10 THE COMMISSIONER: Commencing when?

MR. ARMSTRONG:

Q. And I want -- I'm sorry, I should have asked you, commencing from the period of time that you got
15 back from Europe, on or about August the 23rd or 4th, I think it was. August 23rd I think you came back from Europe. Had Ben Johnson, to your knowledge, received any stanozolol?

A. Not to my knowledge, no.

20 Q. Now, stanozolol, apparently, is also called by the trade name Winstrol?

A. Yes.

Q. So just to cover it, I take it that, to your knowledge, in that period of time, Ben Johnson did
25 not receive any Winstrol?

A. No, he did not.

Q. There's also a drug apparently used for
veterinary purposes called Winstrol V. To your knowledge,
in this period of time, from August the 23rd up to
5 September the 23rd, did he receive any Winstrol V?

A. Not to my knowledge.

MR. ARMSTRONG: I believe, Mr. Commissioner,
there will be some evidence, if there isn't some already,
and I believe there may be some already, that stanozolol
10 is known in Europe as Stromba, S-T-R-O-M-B-A.

Q. To your knowledge, in this period of
time, from August the 23rd to September the 23rd, did Ben
Johnson ever received a drug called Stromba?

15 A. No, and to my knowledge, the last time
that Ben had ever taken Winstrol tablets was in the spring
of 1987.

THE COMMISSIONER: And what about this
substance that you called estrogen?

20 MR. ARMSTRONG: Estragol.

A. Estragol, that was back in the protocol
set up by Dr. Astaphan.

THE COMMISSIONER: So you say, as far as you
know, in Japan and in Seoul, Korea, you didn't see any
25 Estragol being administered?

A. No, I did not. It would be contraindicated, also. In the late stages, any steroid would be --

THE COMMISSIONER: Well, as I understand it,
5 what is banned is the use of these substances because you don't need them in your body the day you're running? It's done its work before the race?

A. Yes, long before, in fact.

THE COMMISSIONER: And the testing is only to
10 show that there was or was not this drug in your system. It only is evidence as to whether the drug was taken. What is banned is using it and taking it?

A. Yes, that's correct.

THE COMMISSIONER: Not just merely being
15 found positive of the test.

A. Yes, that's correct. But I might point out, though, that it is not advisable to be on an anabolic steroid in the late stages of your --

THE COMMISSIONER: No, it has already done
20 its job?

A. Yes, that's correct, at an early stage.

THE COMMISSIONER: Well before the race?

A. Oh, yes.

THE COMMISSIONER: And the testing would only
25 indicate whether the drug was present or not, but if it's

not present, it may have been cleared, but it had done its job?

A. Yes, earlier than that. And, in fact, if someone were to take a steroid right before the race,
5 likely they would be slower rather than faster because they would increase their fluid retention and their muscle stiffness and so on and would clearly not be as fast.

THE COMMISSIONER: So if you took it the morning of the race, you would not expect a very good
10 time?

A. No, you would not.

THE COMMISSIONER: Or just before the race?

A. No.

MR. ARMSTRONG: Thank you, Mr. Commissioner.

15 MR. ARMSTRONG:

Q. Just before we finish here for the morning, I want just to have it clear also, and I'm going to ask you the same questions about the period immediately
20 before the race, that is the semifinal on August, September the 24th, and the final on September the 24th. To your knowledge, did Ben Johnson receive any anabolic steroid of any kind in the period between Friday, September the 23rd, and the time of the final of the 100
25 metres at 1:30 on Saturday, September 24th?

A. No, not to my knowledge.

Q. And to your knowledge in particular, forgive me for being repetitious, did he receive any growth hormone in that period?

5

A. No, he did not.

Q. Did he receive a drug that you knew as Estragol in that period, to your knowledge?

A. No, he did not.

10

Q. Did he receive a drug either injectable or in tablet form called Winstrol in that period?

A. No, he did not.

Q. Did he receive a drug either in tablet form or injectable called Winstrol V in that period?

A. No, he did not.

15

Q. And to your knowledge did he receive, and I may have asked you this in this list, but I don't think I did, any growth hormone during this period?

A. No, he did not.

20

MR. ARMSTRONG: That might be a convenient point, Mr. Commissioner.

THE COMMISSIONER: All right. 2:30.

---Recess

25

--- Upon resuming.

THE COMMISSIONER: We are early. Mr. Armstrong. Different watch, it's okay.

MR. ARMSTRONG: All the press are still at lunch.

THE COMMISSIONER: Well, good, let's get going.

MR. ARMSTRONG:

Q. Mr. Francis, there are two or three things that I want to clarify.

First of all, in the list of drugs that I gave you before lunch, I was listing a number of drugs in the period Friday, September the 23rd through to the final of the 100 meters on September 24th, and asking you each time whether to your knowledge or information Ben took any such drug. And, of course, I missed one and that was the drug called Stromba, which I understand is Stanozolol but sold under the trade name Stromba in Europe.

And just to complete the list, to your knowledge, did Ben Johnson take that drug in the period of Friday, September 23rd, through to the time of the 100 meter final on Saturday, September 24th?

A. No, not to my knowledge.

Q. Now, last week you told us that in the

fall of 1985, Ben Johnson had taken some Stanozolol or Winstrol pills and that he had received a bottle of Winstrol pills from Dr. Astaphan, but as I understand it, you never in fact saw Ben Johnson with Winstrol pills this
5 was something that either he told you or Dr. Astaphan told you. I think you said he told you he had some Winstrol pills?

A. Actually they both did.

Q. All right. And you told us this
10 morning in your evidence just before lunch that the last time to your knowledge that Ben Johnson ever took Winstrol, which is the trade name for Stanazolol, was the spring of 1987?

A. That's correct.

Q. Now, do you have any information as to
15 what happened to this bottle of Winstrol pills that Ben Johnson received in the fall of 1985 from Dr. Astaphan that you referred to in your evidence last week?

A. No, I don't know.

Q. All right. Then there were a couple
20 of other parts of your evidence that I just wanted to clarify and they relate to Jack Scott.

You told us this morning that when you got to Sestriere in the Italian Alps back in August that it
25 was then for the first time when there was no room in your

entourage and in the number of hotel rooms you had booked for Scott, that he was up the hill and stayed in the hotel where Carl Lewis was scheduled to stay. And it was at that point that you realized for the first time that he had some association with Carl Lewis?

A. Yes, he stayed not only in the hotel, but in his actual room reserved for him.

Q. All right. Well how do you know that, did somebody tell you that?

A. Yes. We were told that the next day.

Q. All right.

A. This, of course, was a big surprise.

Q. Now, the Americans I take it didn't go from Sestriere to Cesanotico because you told us the Sestriere meet was a dual meet between Canada and Italy?

A. That's correct.

Q. Now we know, of course, that Carl Lewis at least was in Zurich and presumably others on the American team were in Zurich?

A. Yes.

Q. Was Jack Scott in Zurich?

A. Yes, he was.

Q. Now was he part of your entourage, or what was his position in Zurich when he was there?

A. He was with Carl Lewis.

Q. Now, then you went on from Zurich to Cologne; were the Americans in Cologne?

A. Some were, yes.

Q. Carl Lewis was not in the Cologne?

5 A. No, he had gone to Brussels to a competition two days after Zurich, and then had returned to the U.S.

Q. All right. And was Jack Scott in Cologne?

10 A. No, he was not. I don't believe he was; I didn't see him.

Q. All right. And then did you ever see Jack Scott after Zurich?

A. Yes, he was in Korea.

15 Q. Obviously at the Olympics?

A. Yes.

Q. All right. Was he there as part of either the Ben Johnson entourage or a part of Canadian team in Seoul?

20 A. No, he was not.

Q. And was he so far as you know associated with anybody in particular at the Olympics in Seoul?

25 A. I don't know who he was working on in particular.

Q. All right. Then let me take you back, Mr. Francis, to the chronology. And we are at, I think, 11 a.m. on the morning of Saturday, September the 24th, that's when the semifinal was run. Carl Lewis won his heat, Ben Johnson won his heat. What was Carl Lewis' time, do you remember?

A. In the semifinal?

Q. Yes.

A. 9.97.

Q. And Ben Johnson's time?

A. 10.03.

Q. All right. Ben Johnson in the semifinals was called for a false start. And was that of any particular concern to you, the fact that he was called for a false start?

A. Yes, very much so, because clearly he did not false start and yet he was called back anyway. So, we wondered how good the starter was or what was going on. And indeed an official of both the IAAF and the IOC went to talk to the starter as well to ask him what was going on.

Q. And in any event, that was the one and only time he was called for a false start in the Olympics?

A. That's correct.

Q. All right. And indeed we might just

pause here. I take it that every thing one hears and reads about Ben Johnson is that he has this tremendous start. And it is, I understand, somewhat different than the ordinary orthodox start; is that correct?

5 A. Yes, that's correct.

Q. And what is it that makes Ben Johnson different from others to make his start so fast?

10 A. Well, basically he leaps off the blocks with both feet. And then -- so in other words, his back foot pushes harder and longer into the starting blocks than his opponents. And his back foot comes forward much later than the other athletes. In other words, they virtually drive the knee -- most athletes push their one knee forward at the same time that their back foot is pushing into the block. He actually leaps off of both feet.

20 Q. Indeed there are pictures available and you have one of them on video where indeed if you stop the video camera you can see Ben Johnson virtually suspended in the air with both feet in the air and both hands pumping as it were. It almost looks as if he is flying through the air.

25 A. Yes, he is literally two feet clear of the block pads before his back foot begins to come forward.

Q. All right. Then it would be nice to dwell on the final race, but I suppose we should bracket it here. In any event, the finals were at 1:30?

A. Yes.

5 Q. Ben won the race in a time for a new world record of 9.79 seconds with Carl Lewis second?

A. 9.92, yes.

Q. 9.92. Again that would have been a new world record?

10 A. No, Ben had run 9.83 the year before.

Q. Oh, right, I am sorry, I am thinking of the earlier --

A. Yes.

Q. -- world record?

15 A. It was a new American record.

Q. Then in regard to what happened immediately after that race I want to take you through it. Were you with Ben Johnson immediately after the race?

20 A. After about 20 minutes or so, I saw him for a moment before the medal presentation. And then I saw him again when he came back from the medal presentation and walked with him through a maze of stairs up into the area where the CBC press was, CBC television crew.

25 Q. All right. And it was there that I

believe Brian Williams of the CBC did his interview on Canadian national television of Ben Johnson, and presumably that was the time that you were present with him, and as well as the time which he took a phone call from the Prime Minister?

A. I believe so. I was a little bit farther away, so I didn't really hear what was going on.

Q. All right. And then so far as you are concerned, what happens after that CBC television interview and telephone call with the Prime Minister?

A. Then he was to go to the doping control. I went out to the warm-up track to talk to some of the other athletes.

THE COMMISSIONER: How much later? How much after the race was he on his way to the doping control station, 20 minutes, half hour, a little longer?

THE WITNESS: A little more than that, I believe; I am not sure exactly.

THE COMMISSIONER: All right, whatever.

BY MR. ARMSTRONG:

Q. We, through other witnesses, are going --

THE COMMISSIONER: I understand.

MR. ARMSTRONG: -- to have a fairly precise

record of all of these times as to when he arrives in the doping control center and so on.

THE COMMISSIONER: I interrupted you, he said he was on his way to the doping control center.

5

BY MR. ARMSTRONG:

10

Q. So, he was on his way to the doping control center. You went to the warm-up track to see your other athletes. Presumably this race was over and done with, as important it was, you had other responsibilities related to other of your athletes?

A. Yes.

Q. All right. And do you know who went with Ben Johnson to the doping control center?

15

A. Yes, Waldemar Matuszewski went with him. He was going to treat his leg, you know, his -- the tendon under his knee was a little sore and his heel was sore.

Q. All right.

20

A. And so Waldemar was going to put treatment on it to try and help him to recover for the relay later in the week.

25

Q. All right. And we will hear evidence later, but presumably you are aware that in the doping control center there is a waiting area while the athletes

wait in order to produce their urine samples. And presumably while Ben Johnson was awaiting to provide a sample, Waldemar Matuszewski could provide whatever physiotherapy assistance he deemed appropriate at that time?

A. Yes, that's correct.

Q. All right. And there will also be evidence, Mr. Francis, and I wonder if you are aware that Ben Johnson was also accompanied by one of the Canadian Olympic team track and field officials, Mrs. Diane Clement?

A. That's my understanding, yes.

Q. All right. So then your next involvement that day with Ben Johnson presumably was after he got out of the doping control center?

A. Yes. Some considerable period of time later. There was a press conference, they had all been waiting for some time, it took him a considerable amount of time to produce the sample and so on. He went through quite a bit of beer and so on.

Q. And I take it it's not an unusual thing for athletes after a competition in an important race to take awhile to be able to produce a urine sample, that's --

A. Yes, because of the warm up and

everything else, he got very dehydrated. So, it can take quite a period of time to produce a sample on some occasions.

5 Q. So then after a considerable period of time, when was it that or where was it that you saw Ben Johnson next?

10 A. They had a press area just under the lip of the stadium, sort of a cordoned-off area where the press was waiting for him. There were quite a number of press.

Q. Yes. And presumably a press conference was called with the media other than the CBC and Canadian media, this was an international press conference?

15 A. That's correct.

Q. All right. And again presumably Ben Johnson was asked a number of questions and gave a number of answers, I suppose?

20 A. That's correct. At that point I went to sit with him in the press conference. And he mentioned to me that he was really plastered because he had a lot of beer in the testing room. And he said he was just going to wing it with the answers and basically just gave out all the traditional answers without bothering to listen to
25 the questions.

Q. And then what happened at the conclusion of the press conference after he had finished giving the traditional answers?

5 A. They got him out of there and arranged for a car to take him back to the hotel.

Q. All right. What about you? What did you do, where did you go?

10 A. I stayed behind for a while to sort of cover his retreat and answer a few more questions, and then I left shortly thereafter.

Q. All right. At this point are you planning on heading back to the Olympic village?

A. Yes, I was.

15 Q. What time in the day are we at now, approximately?

A. I am really not sure.

Q. Late afternoon?

A. Getting there, yes.

Q. All right.

20 A. All the events were finished.

Q. Now, how did you get back to the Olympic village?

25 A. Well, there was no buses left, so, after I had gone over to the area where there were buses. And so I walked around to see if I could find a taxi or

something on the other side of the stadium, and I saw one of the CBC vans. And I asked him if they could give me a ride. I thought I would go over to Ben's hotel, and I asked them if they could give me a ride to the Hilton.

5 And they said there were going to their hotel which wasn't too far away, and that I could get a taxi or they would arrange a ride for me to go the rest of the way.

Q. All right. Who was in that CBC Van?

A. Geoff Gowan, who was also with the
10 Coaches Association, and Don Wittman, and some technicians.

Q. All right. And Don Wittman and Geoff Gowan were the two who had provided the -- I don't know what you call it in track and field, but if it were hockey
15 it would be the play by play and color commentary of the track and field events during the course of the Olympics?

A. Yes, that's correct.

Q. All right. They then together with whatever technicians were in the van, gave you a lift
20 heading to the Hilton or heading to the Olympic village?

A. No, heading to their hotel --

Q. To their hotel.

A. -- which was close by the Hilton.

Q. Was there any discussion of
25 significance that you recall during the time that you were

in the CBC Van?

5 A. Yes. One of the guys in the van, I believe it was Don Wittman, said that somebody from the Korean press had mentioned that Ben Johnson had tested positive. And I said, at the time, I said, "Well, that's pretty interesting. I don't know how he could have tested positive before he's even had the sample taken to the lab." So, I didn't think much of it at the time.

10 Q. All right. And what happened? Where did they let you out, and what did you do?

 A. Well, I went back to their hotel. They unloaded all the equipment and so on. And then once they got a translator out to the van, they instructed the driver to take me over to the Hilton, which he did.

15 Q. Just to complete as it were the chronology up until Monday morning when significant events then developed, let's in a general sense just describe what you do.

20 That evening Diadora was having a dinner reception of some kind for the Italian team to which Ben Johnson was invited together with you and some other people; am I right?

 A. That's correct.

25 Q. And you and Ben Johnson attended that reception or dinner?

A. Yes.

Q. On the Saturday night?

A. Yes.

Q. All right. And you didn't stay around
5 very long for that I take it?

A. No, it was really out of control.
There were cameras everywhere and lights. And it was
really quite unpleasant. And since nobody was really
looking for me anyway, I sort of ducked out as soon as I
10 got an opening.

Q. All right. And then on Sunday, if I
can put it this way, was Sunday just another day at the
track, as it were? You went back about your regular
coaching duties so far as they affected your other
15 athletes, or what happened that day?

A. Yes, I think Mark McCoy had his first
round in the hurdles that day and that was early on,
probably. And there was nothing too much going on on that
day.

Q. All right.

A. The women's 100's were there but the
girls had been eliminated the day before, so it wasn't
much pressure at that point.

Q. All right. Did you see Ben Johnson
25 that day at all, or do you remember?

A. Yes, he was sitting in one of the sections in the stadium.

Q. All right. Then Sunday night I take it the 25th, is uneventful so far as the matters that concern us are concerned?

A. Yes, nothing much happened other than I felt like I was getting a throat infection. I went to Dr. Luba, who was with the Canadian team and in the village there, and got some antibiotics and went to bed.

Q. All right. Then Monday, September the 26th, is when the first news of the positive test of Ben Johnson for Stanazolol is made known.

When was it, Mr. Francis, and in what circumstances was it that you learned of the positive test on the A sample?

A. I think it was around 6:00 or 6:30 in the morning. I was awoken by Dave Lyons, who was a Canadian track and field team manager, who came in and says "We have got to get going to the medical meeting, Ben has tested positive." At that point we didn't know what for.

Q. All right. And what was your reaction at that point in time?

A. Well, naturally I had a heart attack. Of course, it could have been anything at that point.

Q. Well, when you say it could have been anything at that point, is it you mean it could have been a range of things that you had in your mind or that you just didn't know what it could have been?

5 A. Well, I didn't know what it could have been, so.

Q. All right.

A. I had to wait and find out.

10 Q. All right. So, then you and Lyons went over either to the Canadian medical center or to Carol Ann Letheran's room and met with her and Dr. Stannish, is that not so?

15 A. Yes, there was an office at the back of the Canadian medical center which I believe they had a rooms above there.

Q. All right. And --

15 THE COMMISSIONER: What position did Dr. Stanish have at that time?

20 MR. ARMSTRONG: I am just going to ask this first of all, let's take --

THE COMMISSIONER: Carol Ann Letheran.

BY MR. ARMSTRONG:

25 Q. -- Carol Ann Letheran. What was her position with the Canadian Olympic Association?

A. She was Chef de Mission with the Canadian Olympic team.

Q. And we are going to hear from Carol Ann Letheran, but just to bracket her at this point in time, the position of Chef de Mission is that she really is in charge of the entire team from the moment it arrives in Seoul, Korea, until it leaves Seoul at the conclusion of the Olympics; am I right?

A. Yes.

Q. And then Dr. Stanish, what was his position with the Canadian team?

A. I believe he was chief medical officer with the Canadian Olympic Association.

Q. All right. So, when you got in to the room where Stanish and Carol Ann Letheran were with Dave Lyons, what discussion took place there as to the fact that there was a positive test for Ben Johnson?

A. Well, they told me they had gotten a letter from Prince de Merode the night before about a positive test at about I guess 1:30 or two in the morning.

At this point, of course, they didn't know either what the positive was for. And obviously they had been distraught. Apparently, Carol Ann and the Doctor had wandered around all night. They didn't want to tell the rest of us until the morning because there was no point

all of us wandering around before we could do anything about it.

Q. All right. And did Dr. Stanish ask you to provide a list of what it was so far as you were
5 aware that Ben Johnson had taken in terms of drugs?

A. Yes.

Q. All right. And did you suggest that this list should be obtained from Dr. Astaphan?

A. Yes, I did.

10 Q. All right. Then was some step taken to contact Dr. Astaphan?

A. Yes. We got a phone book and got the number for the Hilton and phoned over to it to inform him of the situation, and asked for this list.

15 Q. All right. And did Dr. Astaphan provide a list?

A. Yes, he did.

Q. How was that provided?

20 A. Well, apparently he sent it over with Ben along with tablets and so forth that Ben had been taking, all these vitamin pills and what have you.

Q. All right. Now one of the -- I am going to come back to that list in a moment, but one of the facts that you had been informed of or the Canadians
25 had been informed of in this letter from Prince de Merode

was that the B sample of Ben Johnson's urine would be tested at 10 a.m. in the morning of Monday, September 26; am I right?

A. That's correct.

5 Q. All right. And during the testing of the B sample, Ben Johnson is entitled to have three representatives present; is that correct?

A. Yes.

10 Q. Was some decision made as to who those three representatives would be?

A. Well, I believe there were trying to get in touch with Ben. I think he had gone over to the stadium with Mark McCoy for Mark's semifinal in the hurdles. And so they were trying to get Ben. There would be some effort made to contact him, but in the mean time we went over to the lab.

15

THE COMMISSIONER: I thought you told us though that the list of the medication was given by Dr. Astaphan to Ben Johnson who brought it over.

20 THE WITNESS: Well, he initially went to the stadium. He got a ride over to the stadium and then from there because of course none of us at that point knew where the Medical Commission office was.

25 BY MR. ARMSTRONG: All right.

THE COMMISSIONER: But Mr. Johnson already had the list with him, did he?

THE WITNESS: Yes, he did.

THE COMMISSIONER: Prepared by the doctor?

5 THE WITNESS: Yes.

BY MR. ARMSTRONG:

Q. So anyway who went over to the IOC Medical Commission or the IOC, you actually go to the IOC
10 lab, Seoul laboratory of Dr. Park; is that not so?

A. Yes.

Q. That's where the B sample was going to be tested?

A. That's correct.

15 THE COMMISSIONER: Excuse me. At this moment was any further information given as to the nature of what the test revealed?

A. No. We weren't aware of the protocol at that time other than Dr. Stanish, but apparently they
20 don't want to tell anybody until they have a chance to question you thoroughly to see if there is any other explanation. Once they have told you the substance, of course, you could make up some story as to how it turned
-P.

25 THE COMMISSIONER: Go ahead, Mr. Armstrong.

BY MR. ARMSTRONG:

Q. All right. So, the three people that initially went over to the lab were you, Dr. Stanish, and Dave Lyons?

5 A. That's correct.

Q. All right. And when you got to the laboratory of Dr. Park, the IOC accredited lab for the Seoul Olympics, you were met there by Dr. Beckett who I believe the evidence tells us is -- and I better be
10 careful about this, I am not sure whether he is a member of the IOC Medical Commission or not, but he was certainly for a long period of time in charge of the IOC accredited medical lab in Chelsea, London, England?

A. That's correct.

15 Q. Right. And you were also met by Dr. Donike, Professor Donike, Manfred Donike of Cologne, West Germany who is clearly a member of the IOC the Medical Commission, and who is the medical director for the IOC accredited medical lab in Cologne, West Germany?

20 A. That's correct.

Q. Now, when you arrived was -- when I say you, that is Stanish, Dave Lyons, and you, was either Ben Johnson or Dr. Astaphan there?

A. No, they were not.

25 Q. All right. Tell us then what

discussion there was first of all between the three of you, that is the three Canadians, and Dr. Beckett and Dr. Donike?

5 A. I believe almost immediately Dave Lyons left the lab with a driver to locate Ben and bring him over so that he would be present. He had the right to be present when the B sample was opened.

10 THE COMMISSIONER: As far as you were aware, was he notified at this stage of the problem, of a problem?

 THE WITNESS: I believe he knew because Dr. Astaphan had been told that there was a problem.

 THE COMMISSIONER: I see.

15 THE WITNESS: But at that point we didn't --

 THE COMMISSIONER: He didn't know what it was?

 THE WITNESS: -- know the nature of the substance.

20 BY MR. ARMSTRONG:

 Q. All right. Then before Ben Johnson arrived and before there was available any list of Ben Johnson's medications, was there any discussion between 25 you and Stanish on the one hand, and Donike and Beckett on

the other, as to the situation of Ben having tested positive and whether or not he was on any particular drugs?

5 A. Yes. They mentioned at that point that they would ask questions and so on, but once the substance was revealed then that would be the end of any informal discussion at all, and then, you know, they would go ahead and test the substance.

10 Q. All right. And during the course of that conversation, we will of course hear from Dr. Stanish, but it's my understanding and I want to know whether you agree, that Dr. Stanish simply at that stage explained that he did not know what Ben Johnson's medications were?

15 A. That's correct.

 Q. All right. And as I understand it, again we will later from Dr. Beckett, that he explained that he was not Ben Johnson's doctor and that he had his own doctor in Seoul, a Dr. Astaphan?

20

25

A. That's correct.

Q. And apparently Dr. Beckett was a bit surprised at that thinking that the Canadian team's official doctor would be Ben Johnson's doctor but it was explained to him that some Canadian, indeed, had available if they wished the services of their their own physicians.

Does that fairly summarize what the preliminary discussion was between Stanish and Dr. Beckett?

A. Yes. There was also some other confusion because not only was Dr. Astaphan there on behalf of Ben, in Seoul but, in fact, on behalf of the CFTA, Dr. Luba was present who also was not a member of the Canadian Olympic Association medical team.

THE COMMISSIONER: What was the doctor's name, the second doctor?

THE WITNESS: Dr. Luba.

THE COMMISSIONER: L-U-B-A?

THE WITNESS: L-U-B-A, yes. So, in other words, in many cases the sports wanted to bring the doctors who were familiar with their own teams athletes, such as Dr. clement or Dr. Luba or whoever else would be there rather than someone who had never seen the athletes before.

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MR. ARMSTRONG:

Q. All right. And just to clarify exactly Dr. Luba's position, he had been and was at that time the doctor for the Canadian National Team, provided through
5 the auspices of the Canadian Track and Field Association?

A. That's correct.

Q. However, he was not one of those doctors who was an official member of the medical staff for the Canadian Olympic team?

10 A. That's correct.

Q. But again, not unlike Dr. Astaphan, he was still permitted to be along, as it were?

A. Yes, that's correct.

Q. All right. And presumably -- I don't
15 know. Was that all explained to Dr. Beckett or was that just an editorial comment along the way here?

A. No, it was. It was all explained and, of course, it became very clear that there were difficulties in terms of getting -- communicating, for
20 example, getting a note from Dr. Astaphan via Dr. Luba to the testing people about the dipamedral injection that Ben had had for his achilles and that the sort of procedures that were followed.

Q. All right. Now, again, let me lead you
25 along with this a bit because we're going to hear from Dr.

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Stanish and some of these other witnesses but, as I understand it, in about 20 minutes or so, Ben Johnson arrived?

A. That's correct.

5 Q. And he brought with him his, what I would call, training bag with some of his medications in it?

A. That's correct.

10 Q. And was it at that time when he arrived that he had with him a list of drugs that -- or medications that had been prepared by Dr. Astaphan?

15 A. That's correct. And they were commercial preparations as well as these vitamin packages that come in sort of a plastic bag and you have a day's supply of various vitamins that you would take.

Q. You've referred to those before and is there something called a power pack or a training pack that you buy in a -- commercially in a drug store?

A. That's correct.

20 Q. That Ben Johnson would take those particular vitamins from time-to-time?

25 A. Yes, he would take them in competitive periods. He liked to have them during the major competitions or when he felt it was important to be at his best and the rest of time he would take more regular

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multi-vitamins.

Q. All right. And he also had some other medications in his bag presumably, did he?

5 A. He had some -- I believe he had some calcium tablets and this type of stuff. He had a -- this sarsaparilla drink, they all seemed to be drinking.

Q. In his water -- that would be in his -- one of his water bottles, was it?

10 A. Yes, he had a bottle with a stopper on it, and so on, that he would have used.

Q. All right. And I believe that Dr. Stanish will testify that he had a bottle of ginseng with him and also a bottle of what may be described as some fairly foul smelling stuff that Dr. Stanish thought was
15 ginseng. Does that accord with your recollection?

A. Yes, I think that was a sarsaparilla drink.

Q. Now, Ben, as you've indicated, produced this piece of paper that Dr. Astaphan had signed or -- I
20 can't recall whether he signed it or not but Dr. Astaphan had filled out with the various medications on it. I assume that nowhere on the list of whatever the medications were appeared the word stanozolol?

25 A. No, or any steroid other than the cortisone known as Depo-medrol which had been used and

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sealed.

Q. That had been a drug that had been
declared before he ran in the---

A. Yes.

5 Q. ---100 metres?

A. Yes, that's correct.

Q. And declared to the IOC medical
authorities so they're aware of the fact that he had an
injury to his heel and had had that injection taken?

10 THE COMMISSIONER: When was that given?

MR. ARMSTRONG: Sorry?

THE COMMISSIONER: When was that injection
given?

15 THE WITNESS: In his heel, I believe it
wasthree or four days before the race ---

THE COMMISSIONER: I see.

THE WITNESS: ---he had it.

THE COMMISSIONER: That was cortisone?

20 THE WITNESS: Yes. It's called
Depo-medral. It's sort of a slow release substance -- it
stays right in the area where you put it and gives relief.

MR. ARMSTRONG:

25 Q. All right. Then, I take it also that
on this list prepared by Dr. Astaphan that there was

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nothing that would indicate that in late August, early September, he had taken growth hormone?

A. No.

Q. And also assume, again in my usual
5 glimpse into the obvious, that there was nothing on that piece of paper that would have indicated that he took a drug called Estragol in the late August, early September period?

A. No.

10 Q. And then at -- after the contents of this bag were displayed to Dr. Beckett and Dr. Donike and to those of you who were there, presumably Stanish, you and Lyon, was he there by this point?

A. Yes, he came back with Ben.

15 Q. What happened next?

A. Then it was revealed what the drug was.

Q. All right.

A. And it was stated that ---

20 Q. Let me ask you this, who revealed what the drug was?

A. Dr. Park, I believe.

Q. I'm sorry, Dr. Park was there as well, was he?

A. Yes, he was.

25 Q. I'm sorry, I overlooked that. And what

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was the drug?

A. Stanazolol.

Q. What was your reaction to that, Mr. Francis?

5 A. Well, I was totally shocked because they named it as stanazolol or Stromba which I knew to be Winstrol and so on. So, to me right away, I thought something has to be dramatically wrong here.

10 Q. Now, I've asked you all about whether or not to your knowledge Ben Johnson, in the relevant period, ever took stanazolol, Winstrol -- Winstrol, the Stromba and you have said no to all of that.

15 And indeed have told us that your last -- your last knowledge of his ever having taken stanazolol was when he took the Winstrol tablets in the spring of 1987?

A. That's correct.

20 Q. Would there, in your opinion, have been any logic at all to Ben Johnson taking stanazolol in the period of August, September 1988?

A. No, absolutely not.

Q. Why not?

25 A. Well, our experience with the substance was only as a stacking agent to use with the Estragol. Even at 4 milligrams it made him extremely stiff. The

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recovery and strength enhancement that would be caused by it wouldn't be necessary at that late date and certainly the last thing he needed to be was stiff right before the Olympic Games.

5 Q. Then it having been disclosed at this point in time that the drug was stanozolol, what happened next? You're there presumably to proceed with the B sample. Was it right after that that you proceeded to have the B sample opened?

10 A. No. That was at the point where Ben said, 'I knew there was something wrong with that guy,' and so, of course, this is all news to everybody in the room. So Dr. Beckett, I believe, started the questioning about, 'What guy? What are you talking about?'.

15 He says, 'There was a guy in the testing room and he was all over me. I didn't know what his -- he didn't appear to have any purpose to be there.' I said to him, 'What do you mean?' He said, 'Well, he had no numbers on, he didn't appear to be part of any team, he
20 appeared to be an American.' He described him as a black guy, medium length hair and so on, about six feet tall, 160 pounds.

 And the questioning went on for some time as to who this individual was, what he was doing there. It
25 was known that this was the first final of the Olympic

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Games, so therefore nobody could be there to be tested from any other race. He certainly wasn't involved in the 100 metres and he certainly wasn't there with Ben.

Q. Right?

5 A. And it was not known whether or not he had a pass to be in the room.

Q. Did Ben tell you what this guy was doing there?

10 A. He had offered him a drink on several occasions and was sitting right beside his head while he was getting massaged. He was near Ben's drinks and, in fact, on several occasions Ben's view of his drinks was obscured by various people coming in and sticking papers in front of him to be autographed.

15 And this opened up even more questions. Who were these other people? What were they doing in the testing room? Where was Dr. Ljungqvist when all this was going on, et cetera, et cetera.

20 Q. Let me just stop you there. The name of Dr. Ljungqvist has appeared before. We know he is a professor from Sweden and has been involved in doping control and various anti-doping measures. What part did he have to play in Seoul?

25 A. He was in charge of the doping control station.

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Q. All right.

A. Which is his usual function at IAAF and IOC competitions.

5 Q. All right. And in particular, he was in charge of the doping control station that Ben Johnson was in after the 100 metre final?

A. That's right.

10 Q. all right. And, I'm sorry, I interrupted your flow but just let me ask you another question or two before I ask you to pick it up.

You mentioned something about drinks and so on. You've told us that Ben Johnson was drinking beer, so far as your knowledge is concerned in the doping control room.

15 What if anything, did Ben Johnson say whether or not as to this guy, as it were, who seems not to be identified was drinking? Did Ben mention whether he was drinking anything?

20 A. Yes, he was also drinking beer. They were watching television. He came over and sat directly beside Ben Johnson's head. Ben was lying on a physio table and being attended to by Waldemar and this fellow was sitting beside Ben's head. Ben's drink was on the floor and this guy was beside the drink.

25 Q. Well, I think it becomes obvious what

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must be going through your mind but let's get it out on the table here. I take it that as of this moment in time you are convinced that there is no way that Ben Johnson either took or had administered to him stanozolol?

5

A. That's correct.

Q. And as of this moment in time, it was your firm view that it was contraindicated that Ben Johnson took stanozolol?

A. Yes, it wouldn't make sense.

10

Q. Whether he would take stanozolol. It didn't make any sense?

A. No.

15

Q. So, I take it that what then must be going through your mind as a result of getting this information from Ben Johnson as to this stranger or unidentified person in the room, that perhaps he might have something to do with the positive test, am I right? Is that where we're going?

20

A. Not immediately because it wasn't clear to me how such -- if it was possible that such a substance could be administered to anybody at that late date in an oral form because obviously he would certainly know if someone injected him at that point. I really wasn't clear where it was heading.

25

But clearly it was obvious to those in the

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room that, if what Ben was saying it was true, then there had been already a number of violations of testing procedures.

5 Number one, there were people in there who shouldn't have been there.

 Number two, autograph seekers appeared to be going in and out of the room.

 And, it was also mentioned at that the time that Dr. Ljungqvist told Ben he wanted pictures of him and
10 left the doping control station to get his camera and came back with it and took pictures which is two more violations.

 One, he is not permitted to leave the room and, two, he's not allowed to take photographs.

15 So, again, the violations begin to compile. So, at this point, Dr. Beckett became very concerned about all this and he was asking Ben for a clear description of this individual. He was quite upset and he wanted to talk to Dr. Ljungqvist and find out if Ljungqvist would admit
20 to any of these violations.

 And he said that after the opening of the B sample he was going to go over there and find out what was going on. And he seemed quite concerned.

 THE COMMISSIONER: Who was that.

25 THE WITNESS: Dr. Beckett.

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MR. ARMSTRONG:

Q. All right.

A. At this point, we went up to the second floor to retrieve the B sample. It was stored in a large container with a series of smaller zipper bag containers with a seal -- a wax seal and so on.

Ben examined the sealed container, you know, to establish that it, in fact, was the number that he had been given. He had the paper for the doping test, I believe, where you have your own number and you verify that it's the same number on the sample bottle or the sample bag. The bag was then opened and was taken over to the chromatography station and the test was begun.

Now, while Ben was going over with most of the people in the doping station to check this out, I believe Dr. Stanish was present but definitely I spoke with Dr. Beckett further and asked him something more about stanozolol, particularly if it could have been administered to Ben and if it had been, what would be the likelihood that it could show up in his urine.

And if it would show up in his urine, would it be in its complete molecular structure or, in fact, would it show up as a metabolites or, you know, exactly how it would work.

His comment to me was that in his

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experience, stanozolol was extremely rapid in its breakdown and therefore, would be an ideal, not in his words but in mine, it would be an ideal substance to place in someone if you wish to spike you.

5 He felt it could be metabolized to the point where it could be excreted in the urine in 45 minutes to an hour.

 Q. That is the metabolites of stanozolol would show up in the urine in 45 minutes to an hour?

10 A. Yes, he believed so on an oral administration, particularly with an athlete whose metabolism would be extremely excited after a world record and such a performance and so on.

 And he felt that the clearance time on
15 stanozolol was three to five days. That was his comment to me.

 THE COMMISSIONER: Pardon?

 THE WITNESS: The time between the last
20 administration of stanozolol and its test -- the outer range of its testing would be three to five days.

 MR. ARMSTRONG:

 Q. And this is all information provided to you, you believe, by Dr. Beckett?

25 A. That's correct. And I believe Dr.

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Stanish was standing there for some of this discussion.

Q. All right. So, as the result then of the information that you received from Dr. Beckett, plus your own belief, that is that not only did Ben Johnson not
5 take stanozolol, it would not have been to his advantage to take stanozolol, did you start to come to some conclusion as to how Ben Johnson may have tested positive for stanozolol?

THE COMMISSIONER: An opinion perhaps is a
10 better word than conclusion.

MR. ARMSTRONG:

Q. All right. Did you start to come to some opinion as to how Ben Johnson may have tested
15 positive for stanozolol?

A. Yes, I began to suspect that it was administered to him in some way that he didn't know about, that I didn't know about, and Dr. Astaphan didn't know about.

Q. All right. And at --

A. I might also add that it had to have been administered in a small enough amount and recently enough that it wouldn't have affected his performance. Unless, of course, you assume that he could have run 9.6
25 or 9.5 without it.

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So, the assumption was that if the substance had been in his urine long enough to register a positive test, you know, it would be questionable if it could have been there over a long period of time because then he would have been stiff. It would seem like a single administration, in a very small amount, that would not cause the usual seen side effects of stanozolol.

Q. and, indeed, your evidence to us so far is to the effect that when you believed that Johnson was taking the Winstrol tablets, he from time-to-time was scheduled to take them over a two week period but was never able to do a two week cycle because before he reached the end of that two week cycle he would start to tighten up?

A. That's correct.

Q. And then, just let me ask you this; in regard to the drug that Dr. Astaphan commenced using for your athletes in 1986, I believe it was called Estragol, did either ---

THE COMMISSIONER: The fall of '85.

THE WITNESS: The fall of '85.

MR. ARMSTRONG: But you, sir, must understand that the 1986 ---

THE COMMISSIONER: The fall of the year.

MR. ARMSTRONG: The '86 season starts in

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'85.

THE COMMISSIONER: The fall of '85 is when this -- we've got to get that straight at lesat within the next two months.

5 THE WITNESS: And also be here.

THE COMMISSIONER: If you are, I won't be. All right. Estragol started in the fall of '85.

MR. ARMSTRONG:

10 Q. All right. And indeed, to your knowledge, when Ben Johnson and others were on this drug which you believed to be Estragol, did Ben Johnson ever complain about tightening up after cycle or during the course of a cycle with Estragol?

15 A. No, did he not.

Q. Now ---

A. There could be -- I should say there would be workouts obviously where he was stiff and so on. But there could also be workouts where he could be stiff
20 where he was taking no drugs at all. So it seemed to have very little difference between being on it and off it, in comparison to other steroids, more particularly, stanozolol.

Q. But the stanozolol which was taken in
25 the form of Winstrol tablets, I take it from your evidence

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was a stiffness that was something different in the sense that Ben Johnson himself specifically attributed it to the taking of the tablets and not to his physical workout?

A. That's correct.

5 Q. All right. I'm sorry, again, Mr. Francis. We, you and I together -- I'm going to blame you partly because I'm getting tired, I guess and I want somebody else to take the blame here. I've taken you partly down another path and I'm going to take you back to
10 the lab in Seoul.

You're heading up to the second floor, I guess perhaps you're maybe at the second floor of the lab, for the opening of the B sample. There is you, Dave Lyon, Dr. Stanish and Ben Johnson?

15 A. Yes, that's correct.

Q. There's Dr. Park, Dr. Beckett and Dr. Donike?

A. That's correct. And other lab technicians who were working up there.

20 Q. And it was there that you had your conversation, partly in the presence of Dr. Stanish, about stanozolol, the time it would take for metabolites to appear in the urine after having taken it and it's clearance time and so on?

25 A. Mm-hmm.

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Q. All right. Now, is there any other conversation of significance at that time or is it then straight into the opening of the B sample?

A. Well, they opened the B sample.

5

Q. Yes?

A. And it was subsequent to that I had the conversation with Dr. Beckett.

Q. You're right and I'm wrong, of course.

10

THE COMMISSIONER: While you're waiting for the result of the tests?

THE WITNESS: Well, the results of the tests wouldn't be for hours afterwards.

THE COMMISSIONER: I mean, the B samples would have been taken up to the technician at this stage.

15

THE WITNESS: Yes and they were, in fact, in the process of centrifuging it and whatever they do.

MR. ARMSTRONG:

20

Q. Well, my information from Dr. Stanish, Mr. Francis, is that the testing indeed started at about 11:45 or thereabouts. Does that roughly accord with your recollection?

A. Yes, I believe so.

25

Q. All right. And I understand that, from what you've said and others will testify, that it takes

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several hours to run the sample through the apparatus to test it and come out with whatever the results are?

5 A. Yes, but I was told at that time that since it's the same urine there should be no question that the B sample and the A sample will match and I was assured that there should be no difference whatever in any case.

10 Q. All right. And then I take it that your group didn't stay around to, as it were, follow the technicians during this several hours of the testing process?

 A. No. Subsequent to my conversation with Dr. Beckett, he said that he intended to go at that point to the doping control station to confront Dr. Ljungqvist with the conversation and ask him what had transpired.

15 Q. All right. And were you ever informed as to what it was, what information he got from Dr. Ljungqvist?

20 A. My understanding is that he went there, confronted Dr. Ljungqvist, asked him about this stranger, if anyone without credentials had been present in the room, if he had left the room at any time, et cetera, et cetera, and he denied everything.

 THE COMMISSIONER: You hadn't been in the room yourself?

25 THE WITNESS: No, this is all secondhand.

C. Francis (Armstrong)

I was not there at any time.

THE COMMISSIONER: Even the story as what had transpired been given to you by Mr. Johnson?

THE WITNESS: No. He gave the story to Dr.
5 Beckett in my presence.

THE COMMISSIONER: No, but I mean, the stranger in the room emanated from Mr. Johnson?

THE WITNESS: Yes, I had no knowledge of this.

10 THE COMMISSIONER: All right. You say that your information is that the chief doping control officer denied it?

THE WITNESS: That's correct, yes.

15 THE COMMISSIONER: But you didn't talk to the chief doping officer yourself. You got this secondhand?

20 THE WITNESS: No. It didn't seem obviously Dr. Beckett was doing this in secrecy. Because, after all, if any of this turned out to be true, then, of course, you know, the test would be null and void. So, he was trying to keep it as confidential as possible.

MR. ARMSTRONG: All right.

25 THE COMMISSIONER: Is that the rule that if there's somebody in a room and that shouldn't be there that the test is null and void?

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THE WITNESS: I don't know. I think it's somewhat unclear but there are a series of rules in terms of how to run the testing room and one of them is that the individual can't leave and so on. So I really don't know whether there is any precedent for that or not.

MR. ARMSTRONG: We will, Mr. Commissioner, be hearing other evidence ---

THE COMMISSIONER: I understand.

MR. ARMSTRONG: ---about that and obviously you realize, and I'm sure my friends do, that the reason for putting this evidence in is to develop what it was that was going through Mr. Francis' mind and what opinion he eventually formed as to what led to this positive test.

Now, did you become aware that day that if indeed the B sample proved to be positive as well as the A sample, as you have indicated it was expected that it would, that there was scheduled that night at 10:00 p.m. a meeting of the IOC Medical Commission? Did you become aware of that?

A. Yes, that's correct.

Q. And the reason for the meeting of the IOC Medical Commission was that Ben Johnson and anybody on his behalf would be invited to make whatever submissions they thought appropriate as to whether or not the IOC Medical Commission should make a recommendation that he be

C. Francis (Armstrong)

sanctioned in some way for having tested positive, if he did?

A. That's correct.

Q. All right. And that day then, was it
5 not so that a group of Canadians, after you had been to
the lab and had had your discussions with the IOC medical
officials and had attended the opening of the B sample,
you then congregated to discuss what course of action
would be followed that night before the IOC Medical
10 Commission?

A. That's correct.

Q. All right. And indeed, initially under
the direction and leadership of Carol Ann Letheran, a
meeting was called in the hotel suite of Mr. Dick Pound
15 who was then and still is a vice-president of the
International Olympic Committee?

A. That's correct.

Q. And he's a former member of the
Canadian Olympic Association and I guess probably by
20 virtue of his office is still a member of the Canadian
Olympic Association?

A. Yes, I wasn't clear on that.

Q. All right. And in any event, in
addition to his responsibilities as an official of the
25 IOC, also happens to be a lawyer, is that not so?

C. Francis (Armstrong):

A. That's correct.

THE COMMISSIONER: What's your point?

MR. ARMSTRONG: Well, it may be hopeless
having stated the latter fact but in Mr. Pound's case,
5 he's the exception that proves the rule.

THE COMMISSIONER: I see.

MR. ARMSTRONG: In any event, in Mr.
Pound's suite a group was assembled that started to
attempt to put together ---

10 THE COMMISSIONER: Had you got the result of
the B test yet?

MR. ARMSTRONG: No.

THE WITNESS: No, not until later.

MR. ARMSTRONG: I apologize.

15 THE COMMISSIONER: All right.

THE WITNESS: I might point out that it was
stated in no uncertain terms.

THE COMMISSIONER: Usually, you wait for the
verdict before you appeal but you never take a chance, I
20 guess. You appeal first.

MR. ARMSTRONG: Well, that's one of the --
one of the curious things about the course of these
events. You'll see that, in fact, during the course of
the appeal, when the appeal is nearly complete in its
25 argument, the evidence is revealed. So, it's a bit

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unusual but that's something for another day. I mean the
B sample ---

THE COMMISSIONER: That's not what we call
disclosure, is it?

5 MR. ARMSTRONG: No.

THE COMMISSIONER: Disclosure, that's your
complaint?

10 MR. ARMSTRONG: Well, I wasn't there so I
don't complain about disclosure but, in fact, the evidence
was disclosed during the course of the argument in the
appeal.

THE COMMISSIONER: In any event, the meeting
is again -- I don't think this witness is at that meeting
with Mr. Pound.

15 THE WITNESS: The original meeting , yes, I
was.

THE COMMISSIONER: I'm sorry, I thought you
said you weren't there.

THE WITNESS: No, I wasn't in the lab.

20 THE COMMISSIONER: No, no, I'm sorry. I'm
sorry, Mr. Armstrong. You say a meeting was gathered with
Mr. Pound and I didn't realize Mr. Francis was there.

MR. ARMSTRONG:

25 Q. All right. I just want to set the

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scene, if I can, for this meeting in Mr. Pound's hotel suite. He was there, Carol Ann Letheran was there, Dr. Stanish was there, Dr. Jackson, who was the president of the Canadian Olympic Association was there, am I right?

5

A. That's correct.

Q. And also Dave Lund?

A. Yes, and also Dick Pound's wife and also, I believe, James Worrall was there.

Q. All right. And you?

10

A. And myself, yes.

THE COMMISSIONER: Mr. Worrall was also on the IOC at that time?

THE WITNESS: Yes, that's correct.

MR. ARMSTRONG: All right. He's ---

15

THE COMMISSIONER: And a Canadian.

MR. ARMSTRONG:

Q. He's a member of the Board of the IOC, am I right?

20

A. Yes, I believe so.

THE COMMISSIONER: He's Canadian; so is Mr. Pound.

MR. ARMSTRONG:

25

Q. Can I just pause there for a moment and make a submission to you, sir. Mr. Francis, I know, has

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found that from time-to-time the afternoons are a little long without a short break. I can tell you that I myself have found them just a touch long without a short break. Could we take five minutes? He's been on the stand now
5 for -- this is his fourth day.

THE COMMISSIONER: We'll take six then.

MR. ARMSTRONG: Okay, thank you.

THE COMMISSIONER: But no longer.

10 ---Recess

15

20

25

THE COMMISSIONER: Mr. Armstrong.

MR. ARMSTRONG: Thank you, Mr. Commissioner.

MR. ARMSTRONG:

5 Q. Now, Mr. Francis, in the Pound suite at his hotel, was there a thorough review of what had gone on in the doping control room on Saturday, September 24th, after Ben Johnson won the 100-metre final?

A. Yes, there was.

10 Q. And I take it that review in particular focused upon the fact that there seemed to be a lack of security in the doping control room?

A. Yes.

15 Q. I take it that it also, in particular, focused upon the fact that there appeared to be a stranger present in the doping control room who did not have any apparent reason for being there?

A. Yes, that's correct.

20 Q. All right. Now, one of the persons who had been in the doping control room that I don't think you mentioned, and you wouldn't have any direct knowledge of it, but we're going to hear about it later, indeed was an R.C.M.P. officer by the name of Wilson; is that so?

25 A. Yes, I was aware that he was there. He was assigned to protect Ben because of all the problems

that we had had with security and so on, media, and what have you. He was assigned as a sort of bodyguard for Ben, and he was also present. And he was hoped to be a good witness in this matter because he wouldn't -- there is obviously a difference between what people want to think they saw and, in fact, what they did see. And it was felt that he would be a better witness to really get the details clear.

Q. All right. I'll come back to Wilson in a moment. In addition to Wilson, we know that Diane Clement had been in the doping control room; right?

A. Yes.

Q. And in addition to Ben, Diane Clement and Wilson, Valdemar Matuszewski clearly had also been --

A. Yes.

THE COMMISSIONER: Do you want to identify Diane Clement? Now, I don't think her name has come up.

Q. We did mention her a little earlier but let's mention her again. What position did she have with the team?

A. She was a manager with the Canadian Track and Field Association.

Q. And as you indicated, I think, earlier, she originally had gone to the doping control room with Valdemar and Ben?

A. That's correct.

Q. And indeed the rules, I believe, were that an athlete was entitled to have two people at least enter into the waiting area with him when he was in the doping control waiting area?

A. That's correct.

Q. And Ben Johnson had two passes then into the doping control area?

A. That's correct.

Q. And one initially went to Diane Clement; the other initially to Valdemar?

A. That's correct.

Q. But as will become apparent in subsequent evidence that we'll call, Diane Clement at some time left the doping control area and gave her pass to the R.C.M.P. Officer Wilson?

A. That's correct.

Q. And he was in the doping control area for a period of time?

A. I'm not sure whether he was or was not. There was a glass partition. He indicated he was looking through the glass partition, but to my understanding, he never went directly into the room.

Q. All right.

A. But he could see through the glass into

the room.

Q. In any event, was it not so that during the course of this meeting in Dick Pound's suite, Valdemar Matuszewski, Diane Clement and Officer Wilson were
5 summoned to the suite to get their best recollection of the events in the doping control room when Ben Johnson was there?

A. Yes, that's correct.

Q. And, indeed, is it your recollection that
10 at least both Valdemar Matuszewski and the R.C.M.P. officer confirmed that they had seen a stranger in the doping control room who was there who did not apparently have any particular reason for being there?

A. Yes, that's correct. It was also
15 interesting to note that both Valdemar and Don Wilson from the R.C.M.P. identified this individual as being white, whereas Ben had identified him as being black, which created some considerable interest. It finally was decided upon questioning Valdemar and Don Wilson, would he
20 have the colouration of Mark McCoy, for example? They felt that, yes, he would be approximately the colour of Mark McCoy and had sort of medium-length, curly hair and so on. So, I guess it depended upon your interpretation. But clearly the height and weight and the description
25 otherwise matched up.

Q. And, again, there will be other evidence of this, but is it not so that during the course of this meeting under the leadership, as it were, of Mr. Pound and I guess, to some extent, Carol Ann Letheran, that what
5 began to emerge was a defence of a possibility, at least, of sabotage of the testing process or sabotage of Ben Johnson through the introduction into him or the urine sample of the drug stanozolol?

A. Yes, that was the thinking.

10 Q. I'm sorry, that was --

A. That was the thinking, yes.

THE COMMISSIONER: The urine sample would never be in the waiting room?

15 MR. ARMSTRONG: No. Perhaps, forgive me, I may have overstated that, and I apologize if I have.

MR. ARMSTRONG:

20 Q. Did the sabotage theory or the possibility of sabotage relate only to the possibility that somehow Ben Johnson's drink might have been spiked?

A. Yes. The feeling was that if something had been done in the doping control room, it would have been done to Ben himself, not to his urine sample, where indeed he would have been alone, I believe, with Dr.
25 Ljungqvist or --

Q. A doping control officer.

A. But no one else would be there; no one else was there. So that, to my knowledge, didn't enter into the discussion.

5 THE COMMISSIONER: I wouldn't think so.

MR. ARMSTRONG: I apologize because, of course, I did overstate that, and I didn't intend to do that. I'm sorry.

10 MR. ARMSTRONG:

Q. Now, so, as a result then of the review that was done, I take it that a plan was developed to go forward and present this case, as it were, to the I.O.C. Medical Commission that night at its meeting at 10 p.m.?

15 A. That's correct.

Q. All right. And again, I forget how many people are entitled to appear before the I.O.C. Medical Commission and make the submissions on Ben Johnson's behalf, but who was it, to your knowledge, that did attend the I.O.C. Medical Commission and make the submissions?

20

A. I wasn't clear. I knew that Dr. Stanish and Dick Pound were going. I wasn't sure who else.

Q. And let me just ask you this. We'll hear about it in due course, but it might be important just to put it in context now as to what kind of physician Dr.

25

Stanish was. What was his specialty, do you know?

A. No, I didn't know. I believe he's an orthopedic man, but I didn't know for sure.

Q. All right. In any event, was it clear to
5 you or to others -- let me just ask you this. Was it clear to you that he wasn't a specialist, as it were, in so far as drugs and the metabolization of drugs and so on is concerned, apart from whatever he may know from his general knowledge as a physician?

10 A. No, it wasn't.

Q. I see. I'm sorry, it wasn't clear to you
or --

A. It wasn't clear to me.

Q. Or you didn't -- or he didn't have such
15 specialized knowledge?

A. It wasn't clear to me, but, of course, I wasn't thinking of that at the time because, obviously, if there had been violations and breaches of security, then the results wouldn't enter into it. That would be my
20 belief.

Q. All right. Now, I also forgot to ask you this, but I assume during the course of the meeting in Mr. Pound's suite that there was also, again, a further review of what it was Ben Johnson had said as to what had gone on
25 in the doping control room?

A. Yes, and at one point, I believe Dick Pound took Ben aside and asked him a lot of questions. I don't really know, but I think he wanted to ask him questions away from everybody else and see what his responses might be. But I don't know what transpired at that point.

Q. All right. And during the course of all of this, you had seen Ben Johnson that morning at the laboratory of Dr. Park when he had arrived with his bag, his training bag containing the various substances and other things that you mentioned. Did you see him as well when he came to Dick Pound's suite?

A. Yes, I saw him there briefly.

Q. And did he have any particular comment to make to you about the fact that he was now found, at least initially, through the A sample, to have tested positively for stanozolol and, indeed, was likely facing disqualification from the championship of the 100 metres and the gold medal?

A. No, he didn't.

Q. All right. What did his reaction appear to be?

A. The main reaction that he showed was in the lab itself, upon the initial meeting, where he said he knew there was something wrong with that guy and so on.

He shook his head, and that was his main reaction. He seemed to be pretty, pretty controlled throughout the whole period, really, until he left Korea.

Q. Now, I assume that more people than Ben Johnson would have been tested after the 100 metres' final; am I right?

A. That's correct.

Q. We know that Carl Lewis came second; Linford Christie came third?

A. Yes, that's correct.

Q. And would they have been tested?

A. Yes.

THE COMMISSIONER: Just the top three?

A. I believe they usually take four or five out of each event, but I don't know whether there are one or more than one testing rooms. I really don't know. I wasn't over there, so I don't know how it was structured.

Q. We'll have some evidence about this, but is it not so that the first three medalists are tested and then there may be some random choice as to who else may be tested?

A. That's correct.

Q. Now, during the course of the discussions that you had in Mr. Pound's suite, did any information circulate at all as to where Carl Lewis may have been

during the course of this stay of Ben Johnson in the doping control area?

A. Yes, he was in the same doping control area.

5 THE COMMISSIONER: Pardon me? I didn't hear the answer.

A. Apparently it was divided into two divided sections with a more or less common area and a bit of a divided wall. I saw a little drawing of the room. But I never actually saw the room. But he was in one section, and Ben was in the other.

10 THE COMMISSIONER: And there's division between the two sections?

A. Part way across the room, but not all the way across the room.

15 MR. ARMSTRONG:

Q. Did any information at all during the course of the discussions that you had in Pound's suite relate in any way to seeing this stranger that you've described at any time talk to Carl Lewis?

20 A. Yes, apparently some comment was exchanged between the two of them --

THE COMMISSIONER: Between whom?

25 A. Between this unidentified individual and

Carl Lewis.

THE COMMISSIONER: Who said they saw this?

A. Valdemar Matuszewski and I believe Don Wilson, but I don't know for sure. It was no more than an
5 acknowledgement, as far as I understand.

MR. ARMSTRONG: I didn't intend, Mr. Commissioner, to put any more weight on it than that. I just think that it's important that all of the evidence that we have available be put before us.

10 THE COMMISSIONER: I just wondered who saw this. You didn't see this? He wasn't there?

A. No.

MR. ARMSTRONG: He wasn't there. And, again, I think it's important that we have available all of Mr.
15 Francis's information as to what discussions transpired.

A. But I was hearing all this for the first time, as was Mr. Pound and the others in the room, as I wasn't there.

20 MR. ARMSTRONG:

Q. All right. Then you clearly did not attend the I.O.C. Medical Commission hearing that evening at 10 o'clock?

A. No, I didn't.

25 Q. And presumably you anxiously awaited in

some place until you were told the results of that meeting?

5 A. Yes, I was waiting in Dick Pound's room, along with Don Wilson and Mrs. Pound. I believe one of the other Canadian Olympic Association officials was there with his wife.

Q. Then when was it that you learned the result of the meeting of the I.O.C. Medical Commission?

10 A. I believe it was around 1 o'clock in the morning.

Q. All right. And presumably you were told that the I.O.C. Medical Commission had disclosed that the B sample had tested positive for stanozolol?

15 A. They didn't -- there was no mention of the B sample to me, but it had always been assumed that it would be positive, and so I paid little attention to that part of it.

20 Q. All right. In any event, you presumably were told the result of the meeting that you were most interested in, that was that the I.O.C. Medical Commission had made a recommendation that Ben Johnson be disqualified and the gold medal be returned?

A. That's correct.

25 THE COMMISSIONER: I'm sorry, I missed it. When did you learn that?

MR. ARMSTRONG:

Q. At about 1 o'clock, is that when it was,
1 a.m., thereabouts?

5 A. Thereabouts, yes. We were called down to
the bar, and all the people who had been in the Medical
Commission meeting area were down there already and we all
went down and discussed the situation.

10 Q. All right. Then some decision presumably
was made as to who it was that was going to tell Ben
Johnson the result?

15 A. Yes. I might add that John Holt from the
I.A.A.F. appeared. Everybody was having a stiff drink, as
you can imagine. John Holt of the I.A.A.F. came down,
addressed everyone and said that Dick Pound had done an
excellent job in presenting the defence; that, in fact, it
was his opinion that it was clearly an excellent defence.
The problem was the discussion put forward by Dr. Donike,
as I understand it, that Ben had some sort of a long-term
20 profile, an endocrine profile that would indicate
long-term use, and that was the deciding factor against
him.

Q. And was it put to you on the basis of
long-term use of steroids or long-term use of stanozolol?

25 A. Steroids.

Q. And what reaction, if any, did you have to that?

A. Well, I was completely shocked at that one because, obviously, that had sort of come out of left field, had not been presented as a testing option, was not a test recognized by the I.O.C. or I.A.A.F. to be used on athletes. If it was an established test, why, indeed, wouldn't it be used on every athlete in the Olympic Games and the results, disqualifications be determined by this profile.

Q. I see.

A. So I was astounded that this could be accepted.

Q. I take it you were not aware of any rule that suggests that if you have a low testosterone level that you become then subject to disqualification from whatever placing you got either in the Olympic Games or any other international track meet?

A. No. And, indeed, no clarification was made as to what lab findings were indicative of this conclusion. It was never acknowledged. In fact, to this date, I am not aware of the basis on which such a decision was made.

Q. All right. Then what decision was made -- well, I don't want to rush you ahead. That's the

conversation, then, that you had with Mr. Holt. What happened next, please?

5 A. Everybody was very down, obviously, and Carol Ann sort of gave me a hug and said, "Well, I guess we'd better go and do something now. We're going to have to go and see Ben." And so I said, "Well, we'll go over together, but give me twenty minutes or so to talk to Ben and tell him what's happened and try to decide what they should do." We proceeded in taxis to the Hilton from the
10 Shilla Hotel.

Q. The Shilla Hotel being where Pound's suite was and also happened to be the place where the I.O.C. Medical Commission met to receive the submissions of Mr. Pound?

15 A. That's correct.

Q. All right. So you then got in taxis and went over to the Hilton Hotel to talk to Ben?

A. Yes.

Q. And what happened there?

20 A. At that point, I informed Ben of the results of the meeting; that, in fact, he had lost his gold medal and would have to return it. Obviously, everyone was completely distraught. But Ben was the only sort of stoic one. He was holding himself together
25 because he was concerned about his mother. His mother

started to cry, and he just sort of grabbed her and said,
"Come on, mom, nobody has died. It will be all right."

He reassured her and so on. In the meantime, Larry
Heidebrecht came in. He was very concerned about

5 everybody's safety, and he wanted Ben out of there ASAP.

I agreed with that. I wanted Ben to go -- he had
discussed earlier that post-Olympics he didn't want to go
back to Canada because he know, even assuming he had won
and everything was fine, he just wanted to be by himself
10 for a while, and he was thinking of going to Singapore.

So I thought, "Well, why don't you go there now, if that's
what you had in mind?" And his basic attitude was, no, he
was going to go straight home. Nobody could drive him out
of his house. You know, it didn't matter. Nobody had the
15 right to tell him where he could go. He certainly had the
right to go home, if that's what he wanted. So that's

what he decided he would do. And it was left to Larry to
try and make arrangements. Dr. Astaphan was, obviously,
beside himself. He didn't -- you know, he couldn't figure
20 out what had happened. His wife was extremely upset, so
on and so on. By this time, a considerable amount of time
had gone by, more than the twenty minutes that I had told
Dr. Stanish and Carol Ann Letheran to wait. They finally
came up, and then Carol Ann had to go and collect the
25 medal back from Ben. Dr. Astaphan's wife Karen gave it to

Carol Ann and, at that point, she left, along with the doctor.

Q. And is then, arrangements presumably were almost immediately put in place through Larry Heidebrecht and others to get Ben Johnson, his mother and sister on a plane back to Canada?

A. Yes, that's correct.

Q. And what about you? What was the plan for you?

A. I wasn't sure what I was supposed to do at that point because what about my other athletes? What about the situation there in Korea and so on? What about the 10 a.m. press conference that was to go? Was I to be there? I wasn't clear. Dr. Astaphan didn't want to leave. He wanted his wife to leave, but he wanted to stay behind and he wanted to argue about what had happened with the test results. There was considerable discussion about that because how could you argue when, in fact, you don't really know what happened? We should try to find out what happened first before we started arguing about it. Dr. Astaphan's wife refused to leave unless he did, and there was quite a discussion about that. He didn't want her there because he was worried about her safety and so on. Finally, it was decided that he would go back with her.

Q. Yes?

A. And at that point, I was under the impression that I would be staying because it really wasn't clear whether or not I would continue to coach the remaining athletes. At that point, I went to another
5 hotel, the name of which I've forgotten at the moment, where Paul Dupre and Jean-Guy Ouellette of the C.T.F.A. were staying. They, obviously, had been apprised of the situation. The media were starting to gather at all the rooms and so on, and there was considerable concern as to
10 what to do. There was -- it was very unclear what my role was in anything from here on in, what should happen in terms of any press releases or statements to be made. It then was decided that Paul and Carol Ann Letheran and the executives from the Canadian Olympic Association and so on
15 would be present at this press conference, but I was not to take part in that. I could make a statement afterwards if I wished to, but it didn't make much sense because I didn't know what statement I could make.

Q. All right. And after that, what
20 transpired, so far as you were concerned?

A. Then I believe Paul Dupre and I went over to Roger Jackson's room at the Shilla Hotel for further discussion to decide what we should do at that point.

THE COMMISSIONER: Were there events on that
25 day that you should have been attending to, that very day?

You're at Tuesday now, aren't you?

5 A. The day before, the semis and finals of the hurdles had gone with Mark McCoy. The Olympics obviously were going on without me in attendance. So it wasn't clear what I should do. I talked to Dr. Roger Jackson, asked him what his opinion was, and he felt that it was going to be pretty disruptive if I were to stay there. It would just be a madhouse at the track and I would bring adverse attention to all the rest of my
10 athletes. I didn't know what to expect from that point forward. So it was decided that I should go back to Canada.

 Q. All right. Just stopping you there before we carry this forward. Indeed, on that Monday
15 where you were taken up with in the morning going to the laboratory of Dr. Park and then in the afternoon that meeting in Dick Pound's suite and then presumably during the evening waiting around for the results, that was the Monday and that, indeed, was the day that Mark McCoy ran
20 in the hurdles?

 A. Yes.

 Q. And ordinarily you would have been there when he was running in the hurdles, but because of these events, you were not.

25 A. Yes. Mark McCoy became very distraught

and was asking Valdemar where I was and why I wasn't at the track because, obviously, this was most unusual. He wanted to know what was going on and so on, and the story at that point was that I was ill, which was easily
5 explained by the fact that I had been sick the night before. And so they said I --

THE COMMISSIONER: But on the Monday then, the other Canadian athletes knew nothing about this at that stage?

10 A. Not -- no, I don't believe so.

THE COMMISSIONER: And who was running on the Monday? Who was competing; do you recall? It would be hard for you to remember, now, I guess, wouldn't it?

A. Mark McCoy was on the Monday.

15 THE COMMISSIONER: In the hurdles, that's all?

A. In the hurdles in the semi and the finals, yes. I believe that was it.

20 MR. ARMSTRONG:

Q. And that was it?

A. Yes.

THE COMMISSIONER: And what about the Tuesday then? Do we have any athletes --

25 A. Nothing at that point. I believe we were

waiting for the relays and so on.

MR. ARMSTRONG:

5 Q. But did you still have the men's and
women's relays ahead of you, and you were the coach of
those two teams; is that right?

A. Yes, that's correct.

Q. We had a 4 X 100 in both women's and
men's?

10 A. Well, I wasn't directly involved with the
relays.

Q. I see.

A. But I had athletes running.

15 Q. Your athletes were involved, and
ordinarily, I would assume, you would be expected to be
around or at least your athletes would expect you to be
around?

A. For the warm-up and the preparation, yes.

20 THE COMMISSIONER: I'm just trying to picture
if you don't mind, on the Monday then, Mark McCoy was the
only one -- by the way, had the women's sprints been over
by this time?

A. Yes, they had run -- the semis and
finals took place on the Sunday.

25 THE COMMISSIONER: And our Canadian athletes

participated?

A. They didn't make it to the semis and the finals.

THE COMMISSIONER: That was sprints. What
5 about the 220 and 440, any of the other athletes be in
except for relays?

A. None of my athletes were running in those events, only in relays from --

THE COMMISSIONER: After Mark McCoy then, all
10 that was left for those that, some of your athletes, was
the men's and women's relays?

A. Yes. Now, Tracy Smith was there in the long-jump, but I was not working with her. Our agreement
was that I would help her in her preparation to get fit
15 again and so on, but she would then work with a long-jump
coach.

THE COMMISSIONER: And the relay was originally supposed to be Johnson, Desai Williams --

A. Atlee Mahorn.

THE COMMISSIONER: -- Mahorn and McKoy?

A. Yes, that's correct.

THE COMMISSIONER: And the women, the only one of yours was Issajenko in the relay?

A. Well, there was another girl named Angela
25 Phipps who was there.

THE COMMISSIONER: One of yours, too?

A. Yes.

THE COMMISSIONER: And who were the other two?

5 A. Well, there were several others. They had alternates as well. It wasn't clear who all would run.

10 THE COMMISSIONER: And those races were supposed to be Wednesday or later in the week? I've forgotten now.

A. It would be at the end of the week.

MR. ARMSTRONG:

15 Q. All right. In the men's 4 X 100, where did Courtney Brown fit into this picture?

A. He was in the 4 X 4 relay.

Q. Oh, he was in the 4 X 400?

20 A. But he also could have been considered an alternate for the 4 X 100 as he had run 10.30 in the 100 metres in the past. But we also had other alternates in the 4 X 100. I might add there was concern -- Mark had run very poorly in the hurdles and he also had severely swollen Achilles. The bursa on his Achilles had been bothering him all summer.

25 THE COMMISSIONER: I'm sorry. We're still on

Tuesday, aren't we, Mr. Francis?

A. Yes.

MR. ARMSTRONG: Yes, we are. We're early Tuesday morning at this point.

5

MR. ARMSTRONG:

Q. So as a result then, it would appear, as of your conversation with Dr. Roger Jackson, the president of the Canadian Olympic Association, you and he appeared to come to the conclusion that it might well be disruptive for your athletes who still had to compete at least in these other relay events that you've described if you stayed around, so I take it you accepted his advice and perhaps your own that maybe the best thing was for you to go back to Canada?

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A. That's correct.

Q. All right. Now, did you have some meeting with your athletes to tell them about this?

A. Well, first Dr. Jackson phoned the team office in the Olympic Village and notified them that they should arrange a ticket for me to go back to Canada as my other ticket would be, would not be changeable, the date of it and so on. And so I was to go back to Olympic Village and pick that up, and in the meantime I could talk to the athletes and tell them what had happened and so on.

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Q. All right. And did that happen? Did you go back to the Olympic Village and talk to the other athletes?

A. Yes.

5

Q. When was that done?

A. That would have been around 10:30, 11 in the morning. By then everyone knew that Ben had tested positive and was disqualified.

10

Q. And what was it that you told your group of athletes?

15

A. I told them that it was impossible for me to stay because of all the media attention that would be coming on them and so on, and the athletes were extremely distraught. Not only the people in our group but a lot of the other athletes as well. There was a lot of crying going on. It was a really, a very rough time for everyone concerned.

20

Q. All right. And I assume, although reluctantly, your athletes understood the explanation that you provided to them?

A. Yes. And I suggested that they contact Gerard Mach. He was the likeliest one to have an interest in their well-being.

25

Q. And you then left on, later that day on Tuesday, did you?

A. Yes, I did.

Q. And flew back to Toronto?

A. Yes, almost immediately thereafter.

Q. And, Mr. Francis, at no time after you
5 arrived back in Toronto have you ever had anything to say
about the events of Seoul until you entered this witness
box, with one exception. You issued a statement on
October 3rd, 1988, through your counsel, Roy McMurtry; is
that so?

10 A. That's correct.

Q. All right. And I'm putting in front of
you a document that says "Statement by Charlie Francis,
Toronto, Ontario, October 3, 1988." It contains your
signature on it, and I assume that that is the one and
15 only statement that you issued until you entered into the
witness box last Tuesday, February the 28th, 1989?

A. That's correct.

THE COMMISSIONER: All right. Is that the
agreed time to adjourn now, Mr. Armstrong.

20 MR. ARMSTRONG: Yes. Could we have that
marked as an Exhibit.

THE REGISTRAR: Mr. Commissioner, do you
wish that to be 118 or 117? We have a 117A for
Identification --

25 THE COMMISSIONER: Make this 118.

THE REGISTRAR: 118.

--- EXHIBIT NO. 118: Statement by Charlie Francis,
dated October 3, 1988.

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THE COMMISSIONER: Do you just want to
leave it, file it on the record, or do you want to --

MR. ARMSTRONG: I was going to deal with it
briefly.

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THE COMMISSIONER: Well, go ahead.

MR. ARMSTRONG: Perhaps I could do that
now.

THE COMMISSIONER: Let's finish up the
exhibit, then.

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BY MR. ARMSTRONG:

Q. All right. Mr. Francis, in the --
would you just read yourself the first two sentences of
this statement.

20

A. "Like all Canadians, I was shocked and
dismayed to learn of Ben Johnson's
disqualification at the Seoul Olympics,
based upon a positive test for drug
the drug stanozolol. Such a test
result defies all logic and, in my

25

opinion, can only be explained by deliberate manipulation of the testing process."

5 Q. I think, it probably goes without saying, that your evidence over the course of this afternoon and perhaps even before lunch, explains what you mean by the second sentence that you have just read, but would you please explain to the Commissioner now just in
10 case I haven't got it and others may not have it, what did you mean when you said that the "test result defies all logic and, in your opinion, could only be explained by a deliberate manipulation of the testing process."

 A. Well, it would have made no sense for
15 Ben to have Stanozolol in his system at that time. Stanozolol is a very fast acting drug with a fast clearance time. But it's definitively stiffening. We have a long history of the information about it, and it's value. I was aware of it's stiffening characteristics,
20 and Ben was aware of its stiffening characteristics, and Dr. Astaphan was also aware of the stiffening effects of the substance.

 So, it would not be something that anyone would take deliberately because of its stiffening
25 qualities which would slow down the ultimate performance.

Q. All right. So, in other words, what you were saying was that you don't believe that Dr. Astaphan included that drug in the program, you don't believe that you administered that drug to Ben Johnson, and the only other explanation based on the information you had at that time was that somehow in your opinion it could only be explained by the deliberate manipulation of the testing process as you have described it?

A. Yes, that's correct.

Q. All right. Then the balance of your statement appears to provide an explanation as to why it was your decision to leave Seoul on September 27th as you have just given it to us. And then you indicate that you have --

THE COMMISSIONER: Well, you might read the last --

MR. ARMSTRONG: Last two paragraphs?

THE COMMISSIONER: I think so, yes.

MR. ARMSTRONG: All right. I think it would be helpful if you read the last two paragraphs, please.

THE WITNESS: "I am very pleased that the Canadian government has indicated that a full inquiry will be held, and that the truth surrounding these events can

be explored fully and publically. I
look forward to giving evidence in that
forum. On advice of my counsel, Roy
McMurtry, I will make no further
comment on this situation prior to my
testimony in the forthcoming inquiry.

I have worked long and hard in coaching
Ben Johnson over a twelve year period.
Ben Johnson is an outstanding athlete
and a person who deserves our
understanding and support as he works
to clear his name and regain the
Olympic gold medal he won in
Korea."

THE COMMISSIONER: Thank you.

MR. ARMSTRONG: Those are all the questions
for today, Mr. Commissioner.

THE COMMISSIONER: All right. Thank you.

Well, I gave you six, I took back 15, so I
think I have gained on that.

Tomorrow morning at 10 o'clock. Thank you,
Mr. Francis.

MR. ARMSTRONG: You do a little better at
this then you do at tennis, I would say.

--- Whereupon the proceedings adjourned until Tuesday,
March 7, 1989 at 10:00 a.m.

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